

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:

Border Patrol Agent **Jacob Felix**
ID# I241
1802 Saturn Boulevard
San Diego, CA 92154
[REDACTED]

On May 28, 2018, at approximately 0003 hours, Sergeant Steve SHEBLOSKI #5317 informed Homicide Team I that an officer involved shooting had just occurred. According to Sgt. SHEBLOSKI, there were multiple law enforcement and civilian witnesses at the scene and Team V needed assistance. I was directed to respond to the scene, located at 2300 Tocayo Avenue, to assist Homicide Team V with witness statements. I arrived on scene at approximately 0100 hours.

At 0122 hours, A/Sergeant T. BRYAN gave the briefing of the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

This case includes audio and/or visual media elements. To view them click on the links below.

WARNING: Some of the materials released (including photos, videos, audio files and the reports themselves) can be graphic in nature. Please proceed with caution when viewing these materials.

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Witness: Agent Jacob Felix

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During the briefing I learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The briefing ended at 0149 hours.

At 0200 hours, I cleared the scene along with the rest of Homicide Team 1 and responded to 1802 Saturn Boulevard to conduct interviews with the Border Patrol Agents. I arrived at the Border Patrol Station at approximately 0205 hours.

Each Agent we spoke to had a representative present during their interview with us, with the exclusion of Supervising Agent PINO, Agent's LUNA, PAIR, PORTER and ROLLINS who did not have a representative. The representative present during these interviews was Agent Christopher ROLLINS.

Detective J. ZALDIVAR #5516 and I interviewed the following Border Patrol Agents who were present on scene during the shooting:

- Eugene O'Neill
- David Paniagua
- Francisco Garcia Jr
- Alex Parafox
- Leslie Pino (Supervisor)
- Julian Hernandez
- Jacob Felix
- Leo Shook
- Francisco Martinez

Detective's M. WEAVER #6153 and A. TAYLOR #6399 interviewed the following Border Patrol Agents who were also present during the shooting in a separate conference room:

- Hector Luna
- Scott Pair
- Brandon Porter
- Christopher Rollins (Dispatcher)

Each interview was audio recorded for accuracy. On May 28, 2018 at 0410 hours, Detective ZALDIVAR and I interviewed Agent Jacob FELIX. Also present during this interview was Agent ROLLINS (representative).

STATEMENT OF BORDER PATROL AGENT JACOB FELIX:

I was driving southbound Hollister. When I got to the light I noticed another Border Patrol unit was there with its lights on. I was driving a marked van. I was wearing my full duty uniform. It was a prisoner transport van. The unit was parked in the intersection facing north with its overheads (lights) on. I pulled over to see what was going on. I saw Agent O'Neill standing outside of his vehicle on the driver side. There was another individual standing on the passenger side. It looked like he was pacing back and forth. When that individual started walking south around the back end of the unit I pulled next to O'Neill's passenger side. Once I placed the van in park I noticed the guy had a knife in his right hand. I saw a blade sticking out (from his hand). I got on the radio right away and asked for more units due to an armed individual. I got out of my vehicle. I had my gun drawn. I carry the [REDACTED].

The guy kept doing a feint lunge. I kept telling him to put the knife down and relax. He looked at me and said, "No, I am not putting it down". I must have told him 5-6 times to drop the knife, but nothing. It appeared he gripped the knife tighter and he was getting more frustrated. He wasn't complying. After a couple minutes of trying to get him to put down the knife I noticed Agent Paniagua arrived. He had his gun out. We were trying to get this guy to comply.

We were trying to keep an eye on him because he kept circling around. I remember I went to the front passenger side of O'Neill's vehicle. He was in the front. He had his gun drawn on this guy. The guy kept getting closer and I told O'Neill to get back. The guy got pretty close (less than 10 feet). He kept lunging at O'Neill. I remember he told O'Neill, "Just shoot me! Shoot me! Do it!" I remember O'Neill saying something like, "No, I don't want to. Just put the knife down." I remember we gave him several more commands to put the knife down. I remember turning to look behind me and PD was there. I remember asking for a taser. I heard someone from PD say they had less lethal here. I tried to get back around to the rear of O'Neill's vehicle. I heard two loud pops. I saw an officer with a shotgun. He fired off two projectiles. I did not see the individual get hit with the two projectiles. That is when the subject started running west on Tocayo. Agents and PD began chasing him. At one point he stopped and turned around.

He started walking eastbound with the knife still in his hand. I heard the shot gun go off again. I remember it hit him and he said something like, "That's all you got?" Those "pops" sounded similar to the first two "pops" I heard. I heard one shot and then I heard "watch your crossfire". At that point I knew PD had it so I started to back away.

I was walking behind my van when I heard the gunshots go off. I kneeled behind my van to take cover. I heard approximately 10 shots. I saw the guy on the ground. I heard PD telling him to drop the knife. An Officer came from the southeast and grabbed his arm. I got on the air and asked for EMS for a subject down.

I was the second one on scene. O'Neill was already there. I saw Paniagua arriving right after me. I remember seeing two Tasers get deployed and they were not effective. They made contact and the subject grabbed the chords and pulled them out. The Tasers were deployed after the first two bean bag were deployed and before the gunfire. All the less lethal were deployed by SDPD as far as I know. I did not fire any shots.

Investigator's Report

Witness: Agent Jacob Felix

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The subject with the knife looked bald, but maybe a short buzz cut. His skin was little darker than me. He was stocky and bigger than me. He had a light colored shirt. He was about 5'6"-5'7". I kept my distance. He was stocky.

I was about two car lengths away in front of O'Neill's ride when the shots were fired. My van was north of where the shooting occurred.

The interview ended at 0433 hours.

Reporting Detective Tracey Barr I.D. 5533 Homicide Team: Team I
Approved by: Sgt. Shekloski #5317 (5-31-2018) Date of this report: 05/30/2018 Time: 1620 Hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER-TORRES, William, ID #7709, DOB: [REDACTED]

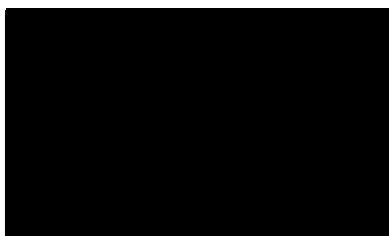
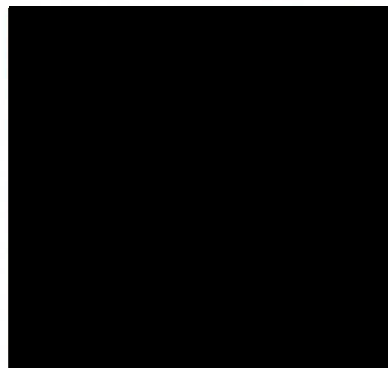
245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27th 2018, at 2339 hours, Acting Detective Sergeant Christopher Leahy #5869 informed me there was an officer involved shooting case we were being assigned to investigate. He directed me to respond to 2300 Tocayo Avenue, and join other homicide investigators to assist with the investigation.

I arrived on scene on May 28th at 0035 hours, and parked my unmarked police vehicle on the north curb line of 2300 Tocayo Avenue. I exited my vehicle and met with other members of the San Diego Police Department's Homicide Team 5. At 0122 hours, I attended a briefing conducted by Southern Patrol Acting Sergeant T. Bryan #5301. At 0149 hours, the briefing concluded.

After the briefing, A/Sgt. Leahy directed me to interview two of the civilian witnesses, [REDACTED] and [REDACTED].

Investigator's Report

Witness: [REDACTED]

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I first spoke with [REDACTED] who was standing on the south sidewalk of 2300 Tocayo Avenue. I introduced myself to [REDACTED] and escorted him to my unmarked police vehicle, then with his permission, drove him closer to the scene to interview him. I spoke with [REDACTED] inside of my vehicle. I was seated in the driver's seat and [REDACTED] sat in the front passenger seat. The interview was digitally recorded. I later downloaded the interview onto a CD and impounded it as the original. I also made a working copy of the interview and put it onto a CD. I later turned the CD over to Detective Kate Allison #5806.

Below is a synopsis portion of my interview with [REDACTED]. For complete details of the interview, refer to the audio CD disk.

The interview began at 0201 hours.

Statement of [REDACTED] (Witness):

[REDACTED] essentially told me the following statement in response to the questions asked of him.

We were coming off the freeway, 905 at Tocayo Avenue, returning home from fishing. We were driving back from Coronado. I was with my buddy, [REDACTED]. We were driving westbound on Tocayo Avenue.

We were in the driving lane closest to the center divider, because I live just beyond the traffic light. We noticed all the police car lights as we approached the intersection. We stopped behind about 3 to 4 squad cars. Our truck is still parked there now. We noticed additional police cars driving to the scene from behind us. We remained inside our truck.

We heard police officers yelling from the area near where Border Patrol van is in parked within the scene. I couldn't really see anything because there was a bunch of squad cars obstructing our view.

Initially I saw them on the northeast corner of Hollister Street and Tocayo Avenue. It was in the crosswalk, if you were walking westbound across the intersection, on the north side of the intersection. I peeked through the cracks and saw the officers surround the gentleman. The police were shouting and yelling commands at the man. I saw the man placed his arms up and his fists were clenched. The man was ready to rumble. He was being aggressive. He wasn't going out without a fight. He was "gorilla chest" and ready to go (fight). He was looking at all of the officers, looking for the weak link, is how it appeared to me. The officers were yelling at Rivera and he turned and started running away from them westbound, out of my view, behind where the Border Patrol van is parked.

I then heard 4 to 5 shotgun rounds fired. I assumed it was a bean bag shotgun being fired. I could hear the officers giving orders. The man then turned and came to the front of the Border Patrol van. He was now in the center of the intersection. The Officers surrounded him once again. Rivera had his fists clenched in again, ready to charge them again. I looked at my buddy to see what he was going to do. We were about to drive our truck in reverse, but there was another car stopped behind us at the time. We placed our truck into park and continued to watch. The next thing you know, all the gunshots rang out. I didn't see what happened just before that actual shots were fired. We then remained in the truck waiting to be interviewed by police.

Investigator's Report

Witness: [REDACTED]

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From where we were, I couldn't see anything in Rivera's hands. I just saw both his hands were in a fist and he was ready to brawl.

I would describe the man as standing about six feet tall and weighing approximately two-hundred and thirty pounds. The man was light skinned, could be Hispanic or possibly a white male, and he was wearing a gray shirt, with blue jean shorts or jean pants. I think he had a little goatee and clean cut on top, short hair. He looked to be in his early to thirties.

-End of Statement-

The interview concluded at 0214 hours.

Reporting Detective Andrew Tafoya I.D. 6101 Homicide Team: 5
Approved by: A/Sgt. Leaky #5869 Date of this report: 05/29/18 Time: 1030 hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: Border Patrol Agent Julian Hernandez #I186
Imperial Beach Station
1802 Saturn Blvd, San Diego, CA 92154
[REDACTED]
Work hours: [REDACTED]
Work days: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, I received a text message from Homicide Sgt. Shebloski #5317 directing me and the remaining members of Homicide Team 1 to respond to 2300 Tocayo Avenue to assist Homicide Team 5 with an officer involved shooting incident. I responded to the scene and met with the following personnel: Sergeant S. Shebloski #5317, A/Sgt C. Leahy #5869, Detectives J. Beard #4807, D. Burrow #5268, K. Allison #5806, T. Barr #5533, M. Weaver #6153 and A. Taylor #6399.

A/Sergeant T. Bryan #5301 conducted the briefing. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister Street and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene.

San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining

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Witness:

Case #18-602576/18-016572

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RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

During the briefing we learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The patrol briefing concluded at approximately 0149 hours. At the conclusion of the briefing Homicide Team 1 detectives were assigned to interview Border Patrol Agents who witnessed the incident. I left the scene at 0200 hours.

Detectives Barr, Weaver and Taylor and I went to 1802 Saturn Blvd to interview the agents. I arrived at the border patrol station at 0205 hours. Upon our arrival we met with Supervisor Border Patrol Agent Pino and Border Patrol Agent Rollins. Agent Rollins sat in on each of the interviews I conducted. Detective Barr and I interviewed nine agents separately in the conference room. The interviews were recorded for clarity and a copy can be reviewed for complete details.

This is an "in essence" report and is not meant to be a word for word account of my conversation with Agent Hernandez. The following, paraphrased, is essentially Hernandez's statement and his answers to our questions. Agent Hernandez was in full Border Patrol uniform and driving a marked Border Patrol vehicle during the incident.

Interview of Agent Julian Hernandez - Witness:

I heard on the radio, an agent requesting additional units to Hollister and Tocayo for a subject with a knife. I responded from the station. When I got there I saw the subject with the knife. I exited my vehicle and went to Agent O'Neil's side. He was in front of the subject. I told the subject to drop the knife. He didn't comply. He said, "No, shoot me!" I told him two to three times to drop the knife and he said no.

The subject would take a step then a step back. I heard someone say bean bag. They shot the subject with bean bags. I don't know how many times. I didn't notice any effect it had on the subject. They just startled the subject a little bit. The subject ran west bound from the intersection. I followed the subject. The subject then ran back east bound towards the intersection. San Diego Police officers were around the subject so I backed away. I backed up and moments later I heard the shots. I didn't see the shooting. I was looking down and as I started to look up I heard the shots. I turned around and looked and saw he was shot. I was facing south bound. I was near the Ford pickup truck. The shooting occurred in the middle of the intersection.

After the subject went down, officers continued to give him verbal commands to drop the knife. Officers eventually approached the subject and handcuffed him. I don't know if he was still holding the knife then. The knife was 3"-4". I was the knife in his right hand. I was in a Jeep Rubicon. I was in full uniform. I pointed my firearm at the subject but never fired, nor used any other force. I have the [REDACTED]

I saw the prongs from the Taser on the ground. I heard the taser deployed but I didn't see it. I heard the noise it makes. The prongs were west of the intersection and to the north. I don't know

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Witness:

Case #18-602576/18-016572

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if the taser made contact with the subject. I saw one officer with the bean bag shotgun but I don't know how many deployed.

I was maybe 20' north of the officers when they shot. Yes I heard constant commands to drop the knife. I was coming back east bound, looking down and I saw officers around the subject so I back away.

When I arrived I parked my vehicle north of the intersection. My vehicle was outside the perimeter. I was alone. The subject was 5'7" – 5'9", heavy set, wearing a gray Army shirt.

Interview ended at 0408 hours.

Reporting Detective Jesse Zaldivar I.D. 5516 Homicide Team: 1
Approved by: Sgt. Pholleski #5317 (6-30-18) Date of this report: 05/30/18 Time: 1500

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245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED:

Border Patrol Supervising Agent **Leslie Pino**

ID# I38

1802 Saturn Boulevard

San Diego, CA 92154

[REDACTED]

[REDACTED]

On May 28, 2018, at approximately 0003 hours, Sergeant Steve SHEBLOSKI #5317 informed Homicide Team I that an officer involved shooting had just occurred. According to Sgt. SHEBLOSKI, there were multiple law enforcement and civilian witnesses at the scene and Team V needed assistance. I was directed to respond to the scene, located at 2300 Tocayo Avenue, to assist Homicide Team V with witness statements. I arrived on scene at approximately 0100 hours.

At 0122 hours, A/Sergeant T. BRYAN gave the briefing of the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

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- David Paniagua
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- Alex Parafox
- Leslie Pino (Supervisor)
- Julian Hernandez
- Jacob Felix
- Leo Shook
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Detective's M. WEAVER #6153 and A. TAYLOR #6399 interviewed the following Border Patrol Agents who were also present during the shooting in a separate conference room:

- Hector Luna
- Scott Pair
- Brandon Porter
- Christopher Rollins (Dispatcher)

Each interview was audio recorded for accuracy. On May 28, 2018 at 0336 hours, Detective ZALDIVAR and I interviewed Supervising Agent Leslie PINO. Per Agent ROLLINS, he would not be representing PINO and left the room.

STATEMENT OF BORDER PATROL SUPERVISING AGENT LESLIE PINO:

When I arrived on scene, I observed several Border Patrol vehicles in the middle of the intersection. I parked right behind the SDPD vehicle, which was in the left lane. I was coming westbound on Tocayo. I was in an unmarked [REDACTED] This is my POV. When I

Investigator's Report

Witness: Supervising Agent Leslie Pino

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arrived I grabbed my body armor and put it on. I saw the SDPD officers taking shotguns out of their truck. I heard "bean bag." I did hear and see them discharging. Someone had yelled "less lethal." I could tell they were bean bag rounds because the guy did not go down and they didn't seem to affect him. I know they went empty. I remember one of the officers was asking for more rounds.

I assume he got hit because I didn't see the impact, but there was no visible effect on him. I saw the subject with the knife in his right hand. I can't describe the knife, but I know it was a knife. He was darting about the whole intersection, mostly on the north side. I saw him take quite a few steps towards the officers and agents at different times with the knife. There was a lot of yelling. I don't know what he was yelling. I heard people yelling at him to put the knife down. There was a lot of commotion going on. I remember being concerned about the crossfire because as he moved about the intersection he moved between groups of officers.

I know he got hit with at least two Tasers. They had no effect on him. After he ripped the prongs out, he ran westbound on Tocayo. He got about 75-100 yards. Different officers and agents pursued him on foot. He came back eastbound. The whole time he was being aggressive towards officers and agents, walking towards them and then changing direction. He got back to the middle of the intersection. I was east of him. There was about 5-6 SDPD Officers in the middle of the intersection facing south. He was still coming eastbound at which point I thought he was coming at me. At that point I un-holstered my weapon. He changed direction and went towards the line of 5-6 officers. At that point there were shots fired. I thought it was 12-15 gunshots. SDPD fired these gunshots. I was about 10 feet from the officers.

I carry the standard issue [REDACTED] I did not fire my weapon. I did not deploy a Taser. After the shots were fired, he (the subject) fell onto his back. He never let go of the knife. Officers were yelling at him to drop the knife. He had the knife in his right hand. It sounded like he was trying to breathe. It was probably his last breath he finally relaxed his arm down to the ground. At that point, SDPD moved in and removed the knife from his hand. They rolled him over at one point. I remember going around the perimeter to check to see who had fired a weapon or deployed anything and if they were ok. One of the rounds went through Agent Shook's vehicle. It was on the eastern side of Hollister as you approach Tocayo.

SDPD Officers were yelling about civilian traffic northbound on Hollister and they were yelling for someone to stop the cars. Paniagua ran to his truck and moved it to the south side of the intersection to block the traffic. This happened just before the shooting.

The subject I thought was a white male. I think he had short hair or bald. I can't remember. I don't remember what he was saying. I did not hear another language. He appeared to understand the verbal commands the officers were giving.

The interview ended at 0350 hours.

Reporting Detective Tracey Barr I.D. 5533 Homicide Team: Team I
Approved by: Sgt. Shelleski #5317 (5-31-2018) Date of this report: 05/30/2018 Time: 1420 Hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED: PORTER, Brandon
DOB: [REDACTED]
US Border Patrol – Imperial Beach Station
1802 Saturn Boulevard
San Diego, CA 92154
Phone: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, Sergeant S. Shebloski #5317 informed Homicide Unit Team 1 that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0107 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife in the street of 2300 Tocayo Avenue, acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene. San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife, and was threatening officers with the knife. San Diego Police officers deployed bean bag shotgun impact projectiles and taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by gunfire and dropped to the ground. Officers began examining RIVERA to render first aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at 0200 hours, Homicide Team 1 drove to the Imperial Beach Border Patrol Station to conduct interviews of agents who witnessed the shooting. Detective Michael Weaver and I met with Agent Brandon PORTER at the station. On May 28th, 2018, at 0254 hours, Detective Weaver and I spoke with Agent Brandon PORTER and conducted an interview. The interview was audio-recorded. The following is an in essences summary of his statement. For complete details of the interview, refer to the audio recording.

Statement of Agent Brandon PORTER – USBP:

I work for the United States Border Patrol. I have been employed by Border Patrol for approximately 11 years. My current assignment is an ATV rider and my normal working hours are from 2200 hours to 0600 hours. The attire I have on now was the same at the time of the incident.

It was noted PORTER was wearing an olive-drab colored coverall uniform, with a nylon web belt, load bearing harness, Border Patrol patches affixed to both shoulders, and a cloth badge affixed to the left chest area of the uniform. Both patches on PORTER'S shoulders were unobstructed and in plain view on his uniform. PORTER'S breast badge was slightly obstructed by the load bearing harness he was wearing. PORTER'S duty belt contained a [REDACTED]

I was made aware via my service radio of an incident regarding a male with a knife at the intersection of Hollister Street and Tocayo Avenue. I now know, it was Agent ONEILL who was asking for additional agents for back up. I was about a quarter mile away from the beach and 150 yards north of the boarder. I was not riding my ATV tonight, I was driving a Jeep Wrangler. The Jeep is not at the scene at this time. I parked my vehicle behind some of the other vehicles that were on scene. Upon approach, from about a block and half away, I could see the silhouette of an individual running across Hollister Street. The subject was going east bound, then west bound where my vision was blocked by a few vehicles. I could not see much because of the lights blinding me.

When I arrived on scene, approximately 10 San Diego Police officers were already on scene. There were approximately 10 Border Patrol agents on scene as well. I could see Border Patrol agents on the northwest corner of Tocayo Avenue and Hollister Street. There were San Diego Police officers in a semi-circle around the subject. Then there were a few more San Diego Police officers and Border Patrol agents in the background. I did see the subject had a knife in his hand, down by his side I believe. When I first arrived on scene, I had my window down, and I heard officers shouting commands to, "Put down the knife." I was south of the intersection on Hollister Street. I heard the command at least two times. I did not hear the subject say anything. I exited my vehicle and saw another agent pull up. I looked in his direction (away from the incident) and that is when I heard the shots being fired.

I did not hear any sounds of non-lethal force used. I stayed away from the individual. The subject was on the ground and I heard a San Diego Police officer give commands to drop the knife so they could give medical aid. There was a knife still in the subject's hand. I believe his right hand was up by his head. San Diego Police officers approached the subject, rolled him over, and it looked like they were going to put him in handcuffs. I looked away at that point so I don't know if

handcuffs were put on him. The officers' rolled the subject back over onto his back and cut his shirt off.

At this point I figured the scene was under control. I walked over to where another agent was standing on the northwest corner of Tocayo Avenue and Hollister Street.

The interview was completed at approximately 0310 hours. Detective Weaver and I provided PORTER with our business cards. Detective Weaver took a photo of PORTER at the conclusion of the interview to document he was wearing a law enforcement uniform at the time of the shooting. The following is the photo:



**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED: Border Patrol Agent Leo Shook #1196
Imperial Beach Station
1802 Saturn Blvd, San Diego, CA 92154

[REDACTED]
Work hours: [REDACTED]

Work days: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, I received a text message from Homicide Sgt. Shebloski #5317 directing me and the remaining members of Homicide Team 1 to respond to 2300 Tocayo Avenue to assist Homicide Team 5 with an officer involved shooting incident. I responded to the scene and met with the following personnel: Sergeant S. Shebloski #5317, A/Sgt C. Leahy #5869, Detectives J. Beard #4807, D. Burrow #5268, K. Allison #5806, T. Barr #5533, M. Weaver #6153 and A. Taylor #6399.

A/Sergeant T. Bryan #5301 conducted the briefing. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister Street and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene.

San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining

Investigator's Report

Witness:

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RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

During the briefing we learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The patrol briefing concluded at approximately 0149 hours. At the conclusion of the briefing Homicide Team 1 detectives were assigned to interview Border Patrol Agents who witnessed the incident. I left the scene at 0200 hours.

Detectives Barr, Weaver, Taylor and I went to 1802 Saturn Blvd to interview the agents. I arrived at the border patrol station at 0205 hours. Upon our arrival we met with Supervisor Border Patrol Agent Pino and Border Patrol Agent Rollins. Agent Rollins sat in on each of the interviews I conducted. Detective Barr and I interviewed nine agents separately in the conference room. The interviews were recorded for clarity and a copy can be reviewed for complete details.

This is an "in essence" report and is not meant to be a word for word account of my conversation with Agent Shook. The following, paraphrased, is essentially Shook's statement and his answers to our questions. Agent Shook was in full Border Patrol uniform and driving a marked Border Patrol vehicle during the incident.

Interview of Agent Leo Shook - Witness:

I heard the call on the radio, an agent requesting backup for an individual who had a knife. I responded from a location called Smugglers Canyon. Smugglers Canyon is south of the location. I responded and saw other units there. I think San Diego PD was already on scene. I parked my vehicle on the south east corner of the intersection. It's a marked Tahoe. I saw the individual with the knife running to the west. I exited my vehicle and followed everyone to the west. At that time I noticed PD was also following and they were deploying less lethal. It was bean bags and Taser's. I saw them. I also heard them say, "Less lethal" and "bean bags". Everyone stood back so they could deploy the less lethal. I think I saw a Taser deployed first. That had no effect on the subject. One of the officers said he has a bean bag and he deployed several rounds, followed by another officer who deployed several rounds (bean bags). Again these didn't have any effect on the subject. The subject with the knife kept running around.

Everyone was following him, trying to contain him. That's when the subject went back to the east to the intersection and was still running around in circles. The subject was still waving the knife around. Officers repeatedly asked him to drop the knife. He responded, "No!" He also said something like, "Is that all you got!" I also heard him say, "Kill me, kill me, shoot me!" The subject then ran around in the intersection. Another agent and I were on the western side of the intersection and he kind of lunged towards us but stopped and went back. He then went towards the officers and that's when they gave him orders to stop and he didn't and he was shot.

I heard numerous officers tell him numerous times to drop the knife. I saw the bean bags impact the subject. He lowered his shoulder and ran through them. They had no effect on him. He also

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ripped the taser prongs off him. I had my hand on my weapon but I never removed it from my holster. I was in full uniform. I had my issued [REDACTED].

I noticed he had a weapon, a knife in his hand and he was acting erratic. He was not following the commands of the officers. The knife was in his right hand. I saw the Agents moving around. I didn't see him initially because he was behind the transport van. I saw him when he ran west across the intersection. That's when I saw the knife. It looked like a utility knife. I only saw the blade. It was a 4"-5" blade. The blade was silver. The subject was male, mid to late 40's, gray Army t-shirt, blue jeans, black hat, hair was peppered, maybe, clean shaven, 5'10" – 5'11", 180-190 pounds. He verbally responded to the officer in English when they told him to drop the knife. He responded, "No! Is that all you got. Kill me! Shoot me!"

My vehicle was struck by a round on the driver side of the windshield. I was in the south west corner of the intersection when the subject came back east. The officers were to my north east, about 10-15 yards away from. The subject was about 5-10 yards from me when he was shot. The officers were facing south. I saw the subject get shot. He buckled over, still clinching the knife, stumbled a little bit and then fell backwards. The subject never let go of the knife. I didn't see anybody that appeared to be with him.

After he was shot he fell to the ground. He was saying something, mumbling. He still had the knife in his hands. Officer repeatedly told him to drop the knife. He did not comply. He still had the knife clinched in his hand until an officer came and kicked it away from his hand. They then went hands on with him. I never went hands on.

Interview ended at 0408 hours.

Reporting Detective Jesse Zaldivar I.D. 5516 Homicide Team: 1
Approved by: Sgt. Shobloski #5317 (5-31-2018) Date of this report: 05/30/18 Time: 1605

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

OFFICER INTERVIEWED: **CARTER-TORRES, William, ID #7709**

DOB: [REDACTED]

H/M 5'08" & 125 lbs

Date of Hire: 08/24/2017

Southern Division, 2nd Watch

1120 27th Street, San Diego CA 92154

Phone: [REDACTED]

Weapon Used: Glock 17 9mm

INTERVIEW OF OFFICER CARTER-TORRES:

On May 27, 2018, at approximately 2300 hours, I was informed an officer involved shooting just occurred. I directed other members of Homicide Team V to respond to the scene of the shooting, located at 2300 Tocayo Avenue.

I arrived on scene at approximately 0020 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA

in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

The briefing concluded at 0149 hours and the scene was turned over to Homicide Team V. Detective Kate ALLISION, Crime Scene Specialist Alyssa CARBONE and Criminalist Adam DUTRA began to identify evidence and process the scene.

At approximately 0545 hours, the shooting officers returned to the scene for the purpose of providing a recorded safety/walk-through statement. Present with the officers at this time was their PEER Support members and Police Officer Association Attorney Nory PASCUA. The safety/walk-through statements were conducted one at a time.

Beginning at 0554 hours, Officer William CARTER-TORRES provided us with a voluntary safety/walk-through statement. Officer CARTER-TORRES stated he fired his Glock 17 handgun approximately eight times in a southerly direction while standing in the middle of the intersection at Hollister Street and Tocayo Avenue. Officer CARTER-TORRES believed he fired his weapon from a bladed position.

Officer CARTER-TORRES could not recall if he remained in a stationary position or moved during the shooting. Officer CARTER-TORRES said the subject he fired upon was running diagonally in a northwesterly direction towards Officer MARTINEZ when the shooting occurred.

Officer CARTER-TORRES agreed to provide a voluntary statement. Prior to providing the statement, A/Lieutenant SHEBLOSKI and I reviewed Body Worn Camera footage of the shooting event. Officer CARTER-TORRES also reviewed the footage.

At approximately 0752 hours A/Lieutenant SHEBLOSKI and I sat with Officer CARTER-TORRES and his attorney, Nory PASCUA, in the conference room of the Homicide Office. We conducted a recorded interview and I have documented the statement below. The statement is in a word for word, question and answer format. The statement was typed by word processor, Rebecca AGUILAR, and I have reviewed the statement for accuracy. Any minor deviations from the audio recording are inadvertent and do not take away from the meaning or context of the statement.

SS: Stephen SHEBLOSKI, Acting Lieutenant – SDPD Homicide Unit
AD: Anthony DUPREE, Lieutenant – SDPD Homicide Unit
CL: Christopher LEAHY, Acting Sergeant – SDPD Homicide Unit
WCT: William CARTER-TORRES, Officer – SDPD Southern Division, 2nd Watch
NP: Nory PASCUA, POA Attorney

CL: Today's date is May 28, 2018. The time is 0752 hours. My name is Detective Christopher LEAHY with the San Diego Police Department Homicide team. We are located at the San Diego Police Department Headquarters at 1401 Broadway in the Homicide Office. Present in the room with me is:

SS: Sergeant Steve SHEBLOSKI.

AD: Lieutenant Anthony DUPREE

NP: Nory PACUA, POA Attorney

CL: And then Officer?

WCT: William CARTER-TORRES.

CL: And then Officer CARTER, you have previously met with and spoken with your, your counsel, your attorney.

WCT: Yes.

CL: She's explained the process to you. I think the police department, we've explained somewhat of the process to you. But you've elected to provide us with a voluntary statement about what happened this evening, correct?

WCT: Yes.

CL: Okay.

SS: And what little feedback, Lieutenant DUPREE is sitting. We normally have just two investigators, but he's sitting in just for observation purposes on this one. So I just want to make sure everybody's okay with that?

WCT: Yes.

SS: Okay.

CL: All right. So You have a hyphenated last name so it's CARTER TORRES?

WCT: It's a space.

CL: Okay. And your first name is William right?

WCT: Yes.

CL: And do you have a middle name?

WCT: Yes, Lamar.

CL: And how old are you?

WCT: [REDACTED].

CL: And your birthday sir?

WCT: [REDACTED].

CL: [REDACTED]
WCT: [REDACTED]

CL: How tall are you?
WCT: 5'8"

CL: You know how much you weigh?
WCT: 125.

CL: And then the color of your hair?
WCT: Blond.

CL: And your eyes?
WCT: Brown.

CL: And your police ID?
WCT: 7709.

CL: And your badge number?
WCT: 8398.

CL: And what was your date of hire? If you know?
WCT: The day I started the Academy? Is that the date?

CL: Yeah.
WCT: August 24th, 2017.

CL: And your current assignment?
WCT: Southern Division, 2nd Watch.

CL: But your still assigned to Field Training right?
WCT: Yes. I'm in Field Training. This is my 2nd phase.

CL: Okay. Who's your current supervisor?
WCT: My FTO is Officer Jeffrey SKIBA.

CL: How do you spell SKIBA?
WCT: S-K-I-B-A. His badge number is 6807.

CL: And who's your patrol sergeant currently?
WCT: Brian TERRANCE.

SS: It's reversed. That's actually...

CL: Yeah.

SS: Terrance BRIAN.

WCT: Terrance BRIAN.

CL: And how long have you been at Southern Division?

WCT: About three weeks.

CL: And what was your unit this evening? Your unit designator?

WCT: 713U2.

CL: And what vehicle were you guys driving? The equipment number?

WCT: 7460.

CL: And your current work hours?

WCT: It's 1400 to 2400.

CL: And what are your current days off?

WCT: Tuesday, Wednesday, Thursday.

CL: And how many hours of sleep did you get prior to your shift?

WCT: 8 hours.

CL: Are you right or left handed?

WCT: Right handed.

CL: And your eyesight if you know?

WCT: [REDACTED]

CL: Do you wear glasses?

WCT: [REDACTED]

CL: Contacts?

WCT: [REDACTED]

CL: Are you suffering from any illnesses?

WCT: [REDACTED]

CL: Are you taking any prescribed medications?

WCT: [REDACTED]

CL: Have you consumed any alcoholic beverages within the last 24 hours?

WCT: No.

CL: Do you have any injuries?

WCT: [REDACTED]

CL: Were you wearing a protective vest at the time?

WCT: [REDACTED]

CL: Front and back panel?

WCT: [REDACTED]

CL: And your primary weapon is a?

WCT: Glock 17, 9mm.

CL: Do you know what the serial number is of your firearm?

WCT: Yes.

SS: We can get it after.

CL: Yeah, we...

SS: It's not a big deal.

CL: Yeah.

WCT: It's [REDACTED]

SS: That's impressive.

CL: Um hmm.

WCT: It's the military, I have to memorize it.

CL: Is it a Department or personal?

WCT: Department.

CL: Do you have a secondary weapon?

WCT: Not on me, no.

CL: And do you carry your firearm with a round in the chamber?

WCT: [REDACTED]

CL: And how many rounds do you carry in your magazines?

WCT: [REDACTED].

CL: And did you have extra magazines on you?

WCT: [REDACTED]

CL: Have you altered your weapon in any way?

WCT: [REDACTED]

CL: Did you deploy any less lethal force option such as like OPNs, batons, OC spray, Taser or bean bag?

WCT: Yes. Taser.

CL: How many deployments of the Taser?

WCT: One.

CL: All right. So if you could, how did you become involved in this particular incident this evening?

WCT: Okay. So we're on the 805 south coming back from Central Jail. We were heading towards our 10-17.

CL: Um hmm.

WCT: 30th Street. On the way there we heard the "hot" call come out that Border Patrol had someone at gunpoint. The suspect with the knife. So my FTO, he was driving while I was typing the report. He put us on Code 3 and said, "We're heading that way."

CL: And who was your FTO?

WCT: It was not my FTO, but today he was stepping in for him.

CL: And what was his name?

WCT: Sam RODRIGUEZ.

CL: Officer Samuel RODRIGUEZ?

WCT: Yes.

CL: Okay. And he was driving?

WCT: He was driving. So we arrived on scene. I read the call on the way there. A guy with a knife. That's basically all it said. I assumed that at gunpoint they had meant like a guy, like on his knees, hands up. That's what I thought. Under control. And then when I got out of the vehicles, I turned on my body cam and I started hearing the bean bags going off and I hear yelling. So I'm like, okay this is not under control. So I started running over. Me being a trainee it is a rule I have to stay close to my FTO.

CL: Umm hmm.

WCT: So I remember Officer RODRIGUEZ has a leg injury so he can't run. So I decided to go back to him. So then we approached the scene again together and as we approach, I see the suspect running towards us. Behind the suspect I see other officers, which is a backdrop. So lethal wasn't an option. So I take out my taser. I figure everyone is lethal already so I'll try less lethal. Officer Samuel and I, or RODRIGUEZ, sorry, we tased approximately at the same time.

CL: When you say "we tased", you deployed your taser?

WCT: I deployed my taser almost at the same time with Officer RODRIGUEZ. It didn't stop the guy. He just cut the wire to his arms and just kept, kept moving.

CL: And then you indicated with your right hand. You did a chopping motion.

WCT: He, he severed the wires to the tires so it would stop shocking him.

CL: With...but now you just did it with two hands. Did he do that with one hand or both hands?

WCT: I believe two hands.

CL: Okay. And you were kind of indicating about shoulder level with your both of your hands in a...

WCT: Somewhere in the abdomen area.

CL: Yeah. And then...

WCT: That's where the prongs had hit.

CL: Okay. And he chopped the prongs away?

WCT: Yes. He did have a knife in his hands. He was kind of waving it around at, at the sort of chest level. Just kind of moving in round directions. I reloaded my taser and my FTO asked me like, "Did you, do you have another cartdige?" And I told him, "Yes I do." And he said, "Well it didn't work." So that's when I thinking, okay maybe I should switch to less lethal. But we still had a crossfire situation with the other officers. So I kept the taser on.

CL: When you said you should, you thought about switching to lethal?

WCT: Yes. The Taser and bean bags weren't working. I mean this entire time he was being bean bagged. And he wasn't stopping. And he was a big strong guy, so...

CL: Did it appear to have any effect on him?

WCT: None at all. He didn't care.

CL: Okay.

WCT: And I started worrying. After we both tased him and I saw that it didn't work, I was like oh this guy is dangerous. So he starts moving southeast in the intersection. That's when I switched to lethal. And then he starts approaching the officer next to me which is Officer MARTINEZ. And he sprints at him with a knife. And he was pretty close. Closer to ten feet. I remember thinking at the Academy they said all it takes is 22 feet for someone to try use a knife and stab you. And I thought that's closer than 22 feet. He's gonna stab him. I'm gonna...

CL: And you estimate it was about approximately ten feet then?

WCT: Less than ten feet.

CL: Less than ten feet.

WCT: Yes.

CL: Okay.

WCT: And so I opened fire.

CL: Let's back up for just a minute and just kind of break things down a little bit more. So you said you guys were southbound 805?

WCT: Yes.

CL: Do you remember generally where when you first heard the call broadcasted?

WCT: It must have been pretty close because we exited the freeway pretty, pretty quick. I mean two exits before...

CL: Two exits north of the exit?

WCT: That would have been Tocayo.

CL: Okay. And as the call was being broadcasted, what were you hearing? What was being described in the call?

WCT: The only thing I remember was Border Patrol has one at gunpoint that has a knife.

CL: And was that the dispatcher saying that, or was that another police officer? If you remember?

WCT: I don't remember.

CL: Okay. And so as you guys responded to the call, were you guys just taking your time to get there? Or were you guys getting there in an urgent fashion?

WCT: Urgent fashion. We're rolling Code 3 on the freeway.

CL: Okay. And as you exit the freeway and start making your approach, what was your approach to the call?

WCT: We approached from the east of the scene. We went west Hollister.

CL: Now Hollister runs north and south.

WCT: Oh I'm sorry.

CL: No. It's all right.

WCT: It was Tocayo.

CL: Okay.

WCT: Tocayo.

CL: So you're traveling westbound Tocayo?

WCT: Yes.

CL: As you approach the scene?

WCT: Yes.

CL: Where did your FTO park the car? Or how did you guys stop your car and then deploy?

WCT: Like a hundred yards east of the intersection.

CL: Okay.

WCT: He put it diagonally to block traffic with the lights on.

CL: Okay.

WCT: And then we both got out.

CL: And then when you got out of the car, what did you see, hear? Can you describe the scene to us?

WCT: At first I didn't hear anything so I start just jogging up. And then I started hearing bean bags going off and yelling. And that's when I thought this call's not under control. This guy must be fighting or something.

CL: And how did you know that the sounds you were hearing were bean bags being deployed?

WCT: I'm pretty fresh out of the Academy so and we use them. So I can recognize it. I'm also in the military so I fire a lot of weapons. So I can, I can tell when it's a weapon and when it's a bean bag. The bean bag is a lot softer of a sound.

CL: So you were able to differentiate the bean bag sound from any other type of...

WCT: Yes.

CL: Munition that was being fired. Did you hear anybody yelling "bean bag" or...?

WCT: Yes.

CL: Anything like that?

WCT: Yes.

CL: Okay. And as you exit the passenger side of the car, you're hearing bean bags being deployed. You said you heard some yelling. What was the yelling that you were hearing?

WCT: "Put the knife down."

CL: Did you hear the subject that the officers were telling to put the knife down, did you hear that person say anything?

WCT: No. I just heard yelling. I'm not sure if it was him or someone else, but...

CL: Okay. But you heard somebody say, "Put the knife down"?

WCT: Yes. And then someone's sort of like grunting, like, "urghhh"

CL: Okay.

WCT: Incoherent.

CL: And then as you're making your way to the scene, describe to us what's going on? What you're seeing? What you're hearing? What your observations are?

WCT: Well like I said, I run up. I realize I'm a trainee. I need to be with my FTO. So I go back to my FTO.

CL: Cause you recognized your FTO had a, a ankle injury?

WCT: Leg injury. He can't run.

CL: Okay.

WCT: I started running and I realized that I shouldn't be doing that.

CL: Okay.

WCT: I can't, I can't leave him behind.

CL: Yeah.

WCT: So I'm back to him. We both walked up and that's when I see maybe ten officers. Maybe more on the west, north side of the suspect trying to sort of corral him.

CL: Um hmm.

WCT: And immediately he starts approaching me and Officer RODRIGUEZ so I draw my Taser. Same thing. There were officers directly behind the suspect so I figured lethal was not an option.

CL: At what point did you...you said you saw a knife in the subject's hand. At what point did you recognize that, that he was armed with this knife?

WCT: Immediatey. I saw it immediately. It was obvious.

CL: Okay. And you said that the subject kind of focused on you and your partner? Did he make eye contact with you guys?

WCT: I did not see his face. I was focused on the knife.

CL: Okay. Can you describe that knife to us?

WCT: It seemed not real long, maybe about this long (*indicating*). About four or five inches maybe.

CL: Okay.

WCT: A slightly curved I'd say blade.

CL: Did it look like it was a folding knife or a steak knife?

WCT: I couldn't say. I don't know knives.

CL: Yeah.

WCT: I know it was a knife.

CL: Okay. And do you know what color it was?

WCT: The blade was silver.

CL: Okay. Could you tell if it was serrated?

WCT: It was not serrated.

CL: And do you know which hand he was holding it in?

WCT: It was in his right hand.

CL: Okay. And then if you could, just tell us what happens when you said that it seemed like he focused some of his attention on you guys? What led you to believe that? Did he say something to you?

WCT: No. It seemed like he was trying to get away from the big group of officers behind him. And so me and Officer RODRIGUEZ we were the weak point in the corral. So he's like, I'm assuming he thought, "I can escape this way", but we were in his way.

CL: And how close did he advance towards you?

WCT: Maybe fifteen feet, maybe.

CL: Okay. And then what happened?

WCT: I drew my Taser and I tasered him.

CL: Okay. So you deployed your Taser. And I think earlier you said simultaneously...

WCT: At that same...

CL: Officer RODRIGUEZ had deployed his Taser?

WCT: Yes.

CL: Where was Officer RODRIGUEZ in relationship to you? Was he on your right? Or your left? In the front or behind?

WCT: He was on my right.

CL: Okay. So Officer RODRIGUEZ was to your right. Was there anybody else around you? If you remember?

WCT: I mean, other than, yeah, the officers directly behind the suspect in front of me.

CL: Yeah.

WCT: And to my right. We had a sort of crescent shape to his, northwest of him.

CL: Um hmm.

WCT: And then as we tased him, officers moved behind me to my left and we started kind of extending around him a little bit to box him in.

CL: So you were trying to form a containment?

WCT: Yes. Trying to...

CL: And incapacitate him with the Tasers and the bean bag?

WCT: Yes.

CL: Okay. And then what happened?

WCT: The Tasers didn't work. He just, he severed the wires by swinging, he swang, swung his arms down.

CL: Um hmm.

WCT: And he severed the wires so the tasers stopped working.

CL: Okay. And then did you reload your taser?

WCT: Yes. After that I started to reload my taser. This whole time he's being bean bagged.

CL: Okay.

WCT: Just sort of intermittently. Wasn't working.

CL: Was, was the subject moving around? Or was he stationary?

WCT: He was moving a lot! All over the intersection back and forth.

CL: Was he just walking, running? Could you describe it?

WCT: Uh running. I would say running.

CL: Okay. And then tell us what happened?

WCT: Uh there's a sort of pause where he kind of slowed down and on the southwest corner of the intersection, sort of.

CL: Um hmm.

WCT: He kind of slowed down. He was being given commands by all of the other officers, you know, 'Stop!' 'Drop the knife!' He's not listening and he runs to the southeast corner of the intersection. And that's when I decide you know what? The Taser didn't work. There's no more backdrop with the other officers back there, so I'm gonna switch to lethal. So I switched to lethal. I told my FTO who was now on my left, Officer RODRIGUEZ, 'Hey, I've got lethal now', just so he's aware. Right as I say that, the suspect starts approaching Officer MARTINEZ, who is to my right. And he runs at him with a knife like ready to stab him. And he was well within ten feet. So I thought he was gonna stab him (*Officer MARTINEZ*) so I opened fire.

CL: What did you think would happen if you didn't open fire?

WCT: I think he would have definitely stabbed him.

CL: Officer MARTINEZ?

WCT: Yeah. He was a big strong guy. He was running pretty fast.

CL: Now when you saw the subject advance on Officer MARTINEZ, you kind of made a motion with your right hand. Can you describe to us what the subject was doing? What noises he was making? What words he was saying? How he had his arm positioned? How his body was positioned?

WCT: Yes. So the suspect had his knife down here, kind of sort of cocked back, on his right side.

CL: Okay. You're indicating on your right side, about hip level to where you're gun is?

WCT: Yes. Hip level.

CL: Okay.

WCT: Holding the knife, with the blade forward.

CL: With the blade forward.

WCT: The blade is like pushing forward into someone. And he was running.

CL: Was the blade pointed kind of upwards?

WCT: Yeah. Like diagonal upwards.

CL: Okay.

WCT: Um he was running at Officer MARTINEZ. He also his sort of back, trying to shield him like getting shot from Officer MARTINEZ.

CL: Okay. Now you're indicating on the left side of your body um that his, well this is what you did. You pointed your left shoulder downwards. Was he like charging at the officer. That's kind of how it looked?

WCT: It looked like charging, ready to stab him.

CL: Okay. That's kind of how it looked to the way you were describing it.

WCT: Yes, from what I remember.

CL: Okay. And then what happened?

WCT: I opened fire and a lot of other officers opened fire.

CL: Okay. And how many rounds do you think you fired?

WCT: After reviewing my body worn camera and looking at my magazine, it was thirteen rounds.

CL: Okay. Is that what you remembered generally or?

WCT: I thought it was eight at first.

CL: What happened then?

WCT: The subject fell. We all stopped shooting. I just kept a bead on him in case he started to get back up. The suspect would not let go of the knife. We kept telling him.

CL: You said he did not let go of the knife?

WCT: No. He would not. And I was watching his arm. And I could see he was still tense, like force. Uh and he was trying to move his other arm up, trying to get up it seemed. So I just stayed watching him until we got a team together to go kick the knife away and go hands on.

CL: To get an arrest team together?

WCT: Yes.

CL: Okay. And then what happened? Did you guys assemble that team?

WCT: Yes. I kept the bead on him. Somebody to my right said something. I don't remember what it was. But I just kept watching him until another officer kicked the knife away and then...

CL: When you say they kicked it away, was it in his hand still?

WCT: He was still holding it.

CL: Okay.

WCT: So they kicked it. They forcefully uh, and then Officer RODRIGUEZ and two other officers moved in and rolled him into the recovery position and they handcuffed him.

CL: Okay. And then what happened?

WCT: Another officer, don't know who it was started applying first aid.

CL: Okay. And what kind of first aid did you observe being performed?

WCT: A for a little while he was trying to find what the most dangerous wound was to him. I think he determined it was on the leg.

CL: So they were assessing the injuries?

WCT: Yes.

CL: Okay.

WCT: I was just providing light for them.

CL: Yeah.

WCT: I had gone away at this point and so they could see it better. They had tore open his clothing so they could see it better and I think it was on the leg that he put on a sort of field dressing.

CL: Field dressing. Okay, so it's my understanding that you guys responded to a call of a man with a weapon, a knife, and when you guys got there, officers were already deploying bean bag. You deployed your Taser. Your partner deployed Taser. You guys were giving him instructions, or you heard instructions being given to the subject. Is that correct?

WCT: Yes.

CL: And were any of those less lethal force options, did they appear to be effective?

WCT: No. Not at all.

CL: Did the subject appear to be following directions of any of the officers?

WCT: No. The opposite.

CL: And you said you fired your weapon at the subject because you were fearful that he was going to stab your partner, Officer MARTINEZ. Is that correct?

WCT: That's correct.

SS: Um just a couple quick. The ten officers, you said about ten officers when you arrived on scene. Was it all San Diego PD or mix of San Diego PD and Border Patrol?

WCT: There was also Border Patrol officers there.

SS: Were you, and I understand it was fairly chaotic. Were you able, do you remember any of the commands that officers were able to give the officer, the officers were giving to this, this male that was...

WCT: "Drop the knife" over and over, and over.

SS: Okay. And did he at any point appear to comply at any of the commands?

WCT: No, none.

SS: And you said the knife was a four to five inch blade?

WCT: I believe so, yes.

SS: And from your experience and training is that a blade length and a weapon capable of causing great bodily injury or death?

WCT: Yes.

SS: So when you ended up firing on him when he was sprinting is how you said at Officer MARTINEZ, you believed...and I just want to make sure your statements right that, you felt that he was gonna stab and injure or possibly kill Officer MARTINEZ?

WCT: Yes.

SS: That's all I have.

CL: Okay. Do you have any questions for us? Is there any important detail that you want to share with us before we conclude the interview?

WCT: No.

AD: When you said you guys are responding from Central, for some reason I thought I heard you say you were on 805. Were you on the 805 or I-5?

WCT: 805. We were on the way back from Central Jail.

AD: Okay. All right.

CL: Okay. That will conclude the interview at 0815 hours.

Reporting Detective Christopher LEAHY I.D. 5869 Homicide Team: 5
Approved by: LT. M. DOBBS 5228 Date of this report: 06-08-2018 Time: 1047 Hrs.

OFFICER INVOLVED INCIDENT CHECKLIST

LAST NAME: CARTER-TORRES FIRST: William MIDDLE: Lamar

Age D.O.B. Height 5'08"

Weight 125 lbs Hair Bln Eyes Bro

Police ID # 7709 Badge # 8398

Date of Hire 08/24/2017

Assignment Field Training Division

Supervisor A/Sgt. Terrance BRYAN

Length of Assignment 3 weeks at Southern Division

Unit # 713U2 Equipment # 7460

Work Hours 1400-2400 Days Off TWTh

Hours of Sleep Prior to Shift 8

Right/Left Handed Right

Eye Sight 20/20

Glasses? Contacts

Glasses or Contacts Worn?

Illnesses None

Medications? Date

Time Type/Amount

Have you drunk any alcoholic beverages in the last 24

Hours? If so, Type

Quantity

INJURIES/COMMENTS:

Protective Vest

Worn?

Front Panel?

Back Panel?

Primary Weapon

Make Glock Caliber 9mm

Serial # Model # 17

Department ☒ Personal ☐

Secondary Weapon

Make Caliber

Serial # Model #

Department

If weapon is an automatic, was it carried with a round in the chamber?

Primary Weapon

Secondary Weapon

Carbine

Number of rounds carried in magazine or cylinder?

Primary Weapon

Secondary Weapon

Carbine

Extra magazines or speed loaders?

Have you altered your weapon?

If so, how?

Less Than Lethal Force Used? Yes ☐ No ☐

OCN (Pepper Spray) ☐ Baton ☐ ASP ☐

Nunchukas ☐ Taser ☒ Beanbag ☐

Other ☐

LEAHY #5869 05/28/18
Sergeant Date:

San Diego Police Department: Case Cancellation

Type of
Crime/Incident 245C PC

Case # 18016572 Victim Martinez, Michael

Case Part of Series ☐ Occurrence Date 05/27/2018
(Leave blank if no series)

Type of Cancellation Exceptional: Other (such as subject is dead) Additional Arrests ☐
Disposition _____
Charge Level _____

Persons Arrested				
Last	First	Middle	Date	Booking Number

Detective Arrest ☐ Patrol Arrest ☐ Charged ☐ Not Charged ☐

Property Recovered

None ☐
Partial ☐ Value Recovered _____
Full ☐
Was ARJIS-4 Completed Yes ☐ No ☐

Investigator:	Date	Approved By:	Date
5869 -LEAHY, CHRISTOPHER	06/07/2018	4673 - CONLEY, PAUL	06/18/2018

List Additional Cases to Be Cancelled:

Narrative:

The suspect in this case, Raul RIVERA, confronted police while armed with a knife. He was shot and killed by police.

CRIME REPORT		SAN DIEGO REGIONAL CRIME/INCIDENT REPORT				INCIDENT NUMBER 18050043895	
BEAT 722		RELATED RPT #S		DATE 05/27/2018 - 05/27/2018	DAY OF WEEK Sunday - Sunday	PAGE 1 of 3	CASE NUMBER 18016572
MODE SECTION AND DESCRIPTION / 245C / ADW ON PEACE OFFICER/FIREMAN/NOT GUN				TIME 22:52 - 23:02			
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV				CITY SAN DIEGO			

VICTIM / WITNESS							
V	W TYPE	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)					
	01	Martinez, Michael					
RESIDENCE ADDRESS				CITY	STATE		ZIP
RACE H	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG
CONTACT							
ID SD 7591							
STATUS EMP	EMPLOYER (RANK IF MILITARY) San Diego Police-Southern Patrol Police	BUSINESS ADDRESS Off 2027TH (SB) (SB) ST			CITY SAN DIEGO	STATE CA	ZIP 92154
ADDITIONAL INFORMATION							

M.O. INFORMATION		
TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 3. Street/Alley	SURROUNDING AREA 1. Residential
W	SPECIFY KNIFE	HOW USED ASSAULT
TYPE OF STRUCTURE N/A		
POINT OF ENTRY 0. N/A		
SUSPECT ACTIONS . Followed/Stalked 54. Used Right Hand		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)								
ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE SUFF) Rivera, Raul Luis						NICKNAME/AKA	
RACE H	SEX M	AGE 42	DOB 05/16/1976	HEIGHT 5'10" - 5'10"	WEIGHT 210 - 225	BUILD FAT - FAT	HAIR COLOR BLK	EYE COLOR BLU
SUSPECT'S ADDRESS						CITY	STATE	ZIP (TRANSIENT)
ID								
ID								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING Gray "Army" T Shirt / Jeans / Black BB Hat								
HAIR LENGTH/TYPE UNKNOWN 4. THINNING	HAIR STYLE 5. MILITARY	FACIAL HAIR 0. UNKNOWN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 10. VIOLENT	SPEECH 3. MUMBLES	VOICE 6. MONOTONE	

EVIDENCE	
Body Camera Body Camera Evidence Collected	
EVIDENCE OBTAINED	TAG NUMBERS None
See Evidence Collection Section for Details	
WITNESS CHECK	

REPORTING OFFICER CHRISTOPHER LEAHY	I.D. # 5869	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 6/5/2018	TIME 14:38
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

PAGE
2 of 3

INCIDENT NUMBER
18050043895
CASE NUMBER
18016572

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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EVIDENCE COLLECTION

Officer's Investigation

I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at

2300 TOCAYO(SB) (SB) AV SAN DIEGO CA 92154

LATENT PRINTS:

I made attempts to lift latent prints: N

If NO, explain:

OTHER PHYSICAL EVIDENCE:

I made attempts to locate other physical evidence at the scene: N

If NO, explain:

See Attached property list for items of evidence

REPORTING OFFICER CHRISTOPHER LEAHY	I.D. # 5869	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 6/5/2018	TIME 14:38
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SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

SYNOPSIS:

2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

Homicide Team V responded to investigate the event. For additional details regarding this incident, refer to the case file.

-Detective Leahy #5869

San Diego Police Department: Case Cancellation

Type of
Crime/Incident

Case # 18602576 Victim Martinez, Michael

Case Part of Series ☐ Occurrence Date 05/27/2018
(Leave blank if no series)

Type of Cancellation Exceptional: Other (such as subject is dead) Additional Arrests ☐
Disposition _____
Charge Level _____

Persons Arrested				
Last	First	Middle	Date	Booking Number

Detective Arrest ☐ Patrol Arrest ☐ Charged ☐ Not Charged ☐

Property Recovered

None ☐

Partial ☐ Value Recovered _____

Full ☐

Was ARJIS-4 Completed Yes ☐ No ☐

Investigator:	Date	Approved By:	Date
5869 -LEAHY, CHRISTOPHER	06/11/2018	4673 - CONLEY, PAUL	06/12/2018

List Additional Cases to Be Cancelled:

Narrative:
See Case File

CRIME REPORT		SAN DIEGO REGIONAL CRIME/INCIDENT REPORT				INCIDENT NUMBER 18050043895	
BEAT 722	RELATED RPT #S	DATE 05/27/2018 - 05/27/2018	DAY OF WEEK Sunday - Sunday	PAGE 1 of 3	CASE NUMBER 18602576		
MODE SECTION AND DESCRIPTION / 920001 / HOMICIDE INVESTIGATION							
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV						CITY SAN DIEGO	

VICTIM / WITNESS									
V	W TYPE 01	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) Martinez, Michael							
RESIDENCE ADDRESS				CITY		STATE		ZIP	
RACE H	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO STRNG	SUSPECT	V/W ASSIST N
CONTACT									
ID SD 7591									
STATUS EMP	EMPLOYER (RANK IF MILITARY) San Diego Police Department -Southern	BUSINESS ADDRESS 1120 27TH (SB) (SB) ST				CITY SAN DIEGO	STATE CA	ZIP 92154	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 01	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) Carter-Torres, William							
RESIDENCE ADDRESS				CITY		STATE		ZIP	
RACE H	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO STRNG	SUSPECT	V/W ASSIST N
CONTACT									
ID 7709									
STATUS EMP	EMPLOYER (RANK IF MILITARY) San Diego Police -Southern Patrol Police	BUSINESS ADDRESS 0120 27TH (SB) (SB) ST				CITY SAN DIEGO	STATE CA	ZIP 92154	
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
V	W TYPE 01	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) Rodriguez, Samuel							
RESIDENCE ADDRESS				CITY		STATE		ZIP	
RACE H	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO STRNG	SUSPECT	V/W ASSIST N
CONTACT									
ID SD 6941									
STATUS EMP	EMPLOYER (RANK IF MILITARY) San Diego Police-Southern Patrol Police	BUSINESS ADDRESS 0120 27TH (SB) (SB) ST				CITY SAN DIEGO	STATE CA	ZIP 92154	
ADDITIONAL INFORMATION									

REPORTING OFFICER CHRISTOPHER LEAHY	I.D. # 5869	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 6/5/2018	TIME 15:15
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CONTINUED FROM
CRIME REPORT

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

PAGE
2 of 3

INCIDENT NUMBER
18050043895
CASE NUMBER
18602576

M.O. INFORMATION

TOTAL # OF WITNESSES AT CRIME 0	PLACE OF ATTACK 3. Street/Alley	SURROUNDING AREA 1. Residential
TYPE OF STRUCTURE N/A		
POINT OF ENTRY 0. N/A		
SUSPECT ACTIONS 54. Used Right Hand 56. Used Threats		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)

ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE SUFF) Rivera, Raul Luis				NICKNAME/AKA			
RACE H	SEX M	AGE 42	DOB 05/16/1976	HEIGHT 5'10" - 5'10"	WEIGHT 210 - 225	BUILD FAT - FAT	HAIR COLOR BLK	EYE COLOR BLU
SUSPECT'S ADDRESS						CITY SAN DIEGO	STATE CA	ZIP 92154 (TRANSIENT)
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								
SUSPECT'S CLOTHING Gray "Army" T Shirt / Jean / Black BB hat								
HAIR LENGTH/TYPE UNKNOWN 4. THINNING	HAIR STYLE 5. MILITARY	FACIAL HAIR 0. UNKNOWN	COMPLEXION 5. MEDIUM	GENERAL APPEARANCE 1. CASUAL	DEMEANOR 10. VIOLENT	SPEECH 3. MUMBLES	VOICE 6. MONOTONE	

EVIDENCE

Body Camera Body Camera Evidence Collected	
EVIDENCE OBTAINED	TAG NUMBERS None
See Evidence Collection Section for Details	
WITNESS CHECK	

OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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EVIDENCE COLLECTION

Officer's Investigation I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at 2300 TOCAYO(SB) (SB) AV SAN DIEGO CA 92154			
LATENT PRINTS: I made attempts to lift latent prints: N If NO, explain: N/A			
OTHER PHYSICAL EVIDENCE: I made attempts to locate other physical evidence at the scene: N If NO, explain: See attached property list for evidence items			

REPORTING OFFICER CHRISTOPHER LEAHY	I.D. # 5869	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 6/5/2018	TIME 15:15
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SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

SYNOPSIS:

At 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

Homicide Team V responded to investigate the event. For additional details regarding this incident, refer to the case file.

-Detective Leahy #5869

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

CASE SYNOPSIS:

On May 27, 2018, at 2252 hours, United States Border Patrol Agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

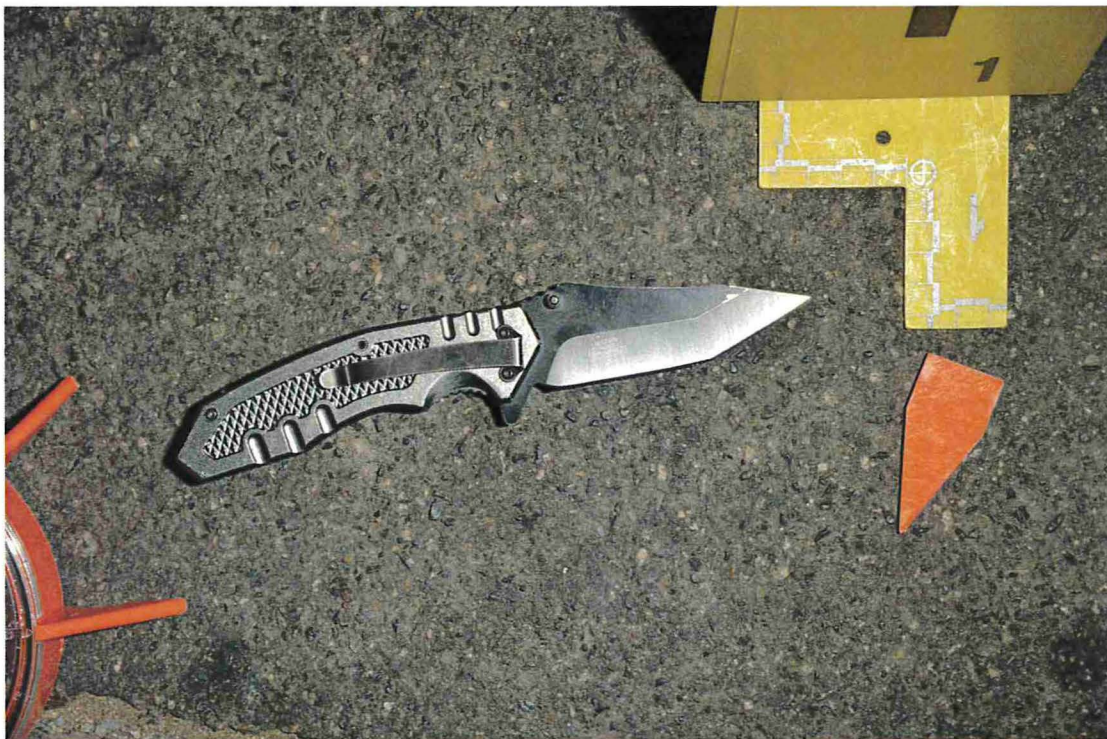
Homicide Team V was assigned to investigate the officer involved shooting event and responded to the scene.

Present from the Homicide Unit were Captain Mike HASTINGS #5170, Lieutenant Anthony DUPREE #5048, Acting Lieutenant Steve SHEBLOWSKI #5317, Homicide Team V Acting Sergeant Chris LEAHY #5869, along with Detectives Dan BUROW #5268, Jana BEARD #4807, Kate ALLISION #5806, and Andrew TAFOYA #6101 (relief). Homicide Team I Detectives Tracy BARR #5533, Mike WEAVER #6153, Andrea TAYLOR #6399, Jesse ZALDIVAR #5516, also responded to assist with the

investigation. Present from the San Diego Police Department's Crime Lab were Crime Scene Specialist Alyssa CARBONE #8733 and Criminalist Adam DUTRA #8236.

Detective Kate ALLISION was assigned as the scene investigator. Crime Scene Specialist Alyssa CARBONE and Criminalist Adam DUTRA were assigned to assist her. They began to identify evidence and process the scene.

Detective ALLISION identified and collected fifty-five (55) items of potential evidence. Those items included twenty-eight (28) 9mm cartridge casings, nine (9) bean bag cartridge casings, and four (4) Taser cartridges. A knife was also recovered. The knife RIVERA challenged officers with was a pocket folding knife, blade locked open. (*See below*)



At approximately 0545 hours, the shooting officers returned to the scene for the purpose of providing a recorded safety/walk-through statement. Present with the officers at this time was their PEER Support members and Police Officer Association Attorney Nory PASCUA. The safety/walk-through statements were conducted one at a time.

Later that morning all three officers individually provided voluntary statements to investigators at S.D.P.D. Headquarters.

During the interviews, the officers cumulatively described RIVERA's behavior as defiant and threatening. The less lethal force options officers deployed on RIVERA were ineffective. Prior to discharging their firearms, each shooting officer had attempted to subdue RIVERA with their Taser. The officers witnessed additional officers deploying bean bag rounds directed at RIVERA during this violent encounter.

The officers told investigators they fired their handguns at RIVERA because less lethal force options had been used and were not effective. RIVERA, who was still armed with the knife, was described by the officers as having lowered his shoulder as he charged directly at Officer MARTINEZ, which prompted the use of deadly force. Each shooting officer believed they fired their gun in a southerly, to southwesterly direction while in a standing position. The officers were consciences of their field of fire and had taken steps to ensure civilian traffic was diverted away from the intersection as this event was unfolding.

After being struck by gunfire the officers said RIVERA fell to the ground and onto his back. The officers described RIVERA as tightly maintaining his grip of the knife as he lay on his back. The officers assembled a contact team and Officer MARTINEZ began giving commands to RIVERA instructing him to release his grip of the knife. Officer MARTINEZ told RIVERA once he released the weapon from his hand, medical personnel would be able to treat his injuries. Eventually RIVERA released his grip of the knife and two sets of handcuff were used by Officers Max VERDUZCO and Joel MENDOZA to secure RIVERA.

The officers assessed RIVERA's injuries and medics were cleared into the scene to begin treating RIVERA. It was determined RIVERA had succumbed to his injuries and he was pronounced deceased by Scripps Mercy Hospital Dr. SIMMONS. RIVERA's body remained at the scene.

The Border Patrol Agents who witnessed the shooting and moments leading up to the event were no longer at the crime scene. They instead returned to their substation and were waiting to be interviewed by homicide investigators. Homicide Team I Detectives were directed to respond to the Border Patrol substation located at 1802 Saturn Boulevard to conduct interviews of those agents.

Homicide Team V Detectives BUROW, BEARD and (*relief*) TAFOYA remained at the scene and interviewed various civilian. Those witnesses included two women, mother and daughter both named [REDACTED]. Witnesses told investigators they were driving through the intersection when they observed Border Patrol Agents contacting RIVERA. The women stated they heard agents giving verbal commands to RIVERA directing him to, "Stop, drop the knife!" The women heard RIVERA responding to those commands defiantly by saying, "No!" The women said they heard agents giving RIVERA commands to stop and drop the knife approximately five times. They further described seeing RIVERA running around the intersection as additional officers, including S.D.P.D., began arriving to the scene. They were unable to see the actual shooting because their view was obstructed, but heard the gunshots fired.

[REDACTED] and [REDACTED] told detectives they were returning home from fishing in Coronado when they approached the intersection and observed several police vehicles with their overhead lights on. They observed officers surround RIVERA in the intersection. At the time they were uncertain of what was occurring but they heard officers giving RIVERA commands. They described RIVERA's behavior and demeanor as aggressive. They said it appeared RIVERA was prepared to fight officers.

[REDACTED] said RIVERA was "Gorilla chested" and had his fists raised up and was prepared to fight officers. They observed RIVERA running away from officers out of their view at one point. They heard bean bag rounds fired at RIVERA and then RIVERA prepared again to fight with officers. Later they heard gunshots fired. They did not see RIVERA holding a weapon in his hand.

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██████████ told detectives he lives a short distance from the intersection at ██████████. While ██████████ was inside his home and heard several sirens and a police helicopter orbiting overhead. ██████████ stepped outside of his home and entered his backyard to investigate the commotion. ██████████ said he saw and heard bean bag rounds being fired and Taser deployments directed at RIVERA.

██████████ said he heard police officers telling RIVERA, "Get down on the ground, get down on the ground." Moments later he heard approximately twenty gunshots fired.

██████████ recorded a portion of the confrontation on his cellular phone. ██████████ shared the recording with Detectives BUROW and BEARD.

On May 29, 2018, Detective BUROW met with ██████████, who was the initial person who called 9-1-1 to report RIVERA armed with a knife and confronting motorists at the intersection.

██████████ told Detective BUROW she was driving to her mother's house with her husband ██████████, her Aunt ██████████, and their two small children. She said ██████████ was driving and she was seated in the front passenger seat.

The first time they drove through the intersection they observed RIVERA approach their vehicle as they were stopped at the traffic light. RIVERA approached the driver side. She described RIVERA as acting aggressive with his fists clenched.

██████████ said RIVERA began looking into the interior of their vehicle as if he was scanning to see who was inside. ██████████ said RIVERA was armed with what she believed at the time was a screwdriver. ██████████ said RIVERA was holding the screwdriver in his hand.

██████████ was concerned for the safety and welfare of her two small children inside of the car. ██████████ told Detective BUROW she encouraged her husband (██████████) to drive through the red light to avoid the pending confrontation. ██████████ said they eventually drove through the intersection and dropped ██████████, and their children off at her mother's home.

A short time later ██████████ and ██████████ left her mother's home which required them to drive a second time through the same intersection. ██████████ said as they were driving towards the intersection for the second time, she observed RIVERA chasing after vehicles within the intersection. ██████████ initially did not want to call the police, but eventually did.

While ██████████ was on the phone with S.D.P.D. dispatchers, they saw a Border Patrol vehicle driving through the area. ██████████ said they saw a Border Patrol Agent driving through the intersection and RIVERA began chasing after the Agent's vehicle with a knife in his hand. ██████████ said she was able to see the weapon in his hand was a knife. She described the knife as similar to a "Rambo" type knife with rigid teeth. The first Border Patrol vehicle that drove by did not stop.

They saw another Border Patrol Agent driving through the intersection and ██████████ got the attention of the agent, alerting him to RIVERA, who was acting in a threatening manner and armed with a weapon.

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█████ said they watched the Border Patrol Agent contact RIVERA. They heard the agent telling RIVERA to stop and get onto the ground. █████ said her car windows were rolled down and they could hear the verbal exchange between the agent and RIVERA. █████ said it appeared the Border Patrol Agent was reaching for his gun but instead dropped something onto the ground. █████ told her husband it was time for them to leave. Moments later a Border Patrol van arrived to assist.

█████ said they remained at the scene and saw officers deploy a Taser on RIVERA. █████ said RIVERA removed the probes from his body. █████ heard the officers telling RIVERA to drop the knife and get onto the ground several times. She heard █████ responding to the officers commands by defiantly saying, "No." She observed RIVERA running back and forth, and at one of the officers when they shot him. █████ said her view of the actual shooting was obstructed by police vehicles parked around the intersection.

On May 28, 2018, A/Sgt. LEAHY contacted █████ at █████, in █████. This is the address of record for RIVERA. █████, who was intoxicated and belligerent at the time, told A/Sgt. LEAHY that she and RIVERA had recently ended their romantic relationship.

█████ said RIVERA began using drugs inside her home and those incidents culminated in their relationship ending. █████ said she kicked RIVERA out of her trailer a week and a half ago. █████ said RIVERA showed up at her place of employment at around 1700 hours, the day of the shooting. She said he offered to give her fifteen dollars, to which she refused. █████ said RIVERA later showed up at her house and she refused his company.

█████ said RIVERA was living with his brother since being evicted from her home.

A/Sgt. LEAHY drove to █████ home located at █████, and notified █████ of his brother's death and the circumstances surrounding it. █████ provided a lot of background information on RIVERA and his state of mind the night of the shooting. █████ said his brother battled with substance abuse issues throughout his life. █████ said his brother abused alcohol, methamphetamine and marijuana. █████ said it was his opinion that RIVERA's relationship with █████ was toxic and they were always breaking up and getting back together.

█████ said his brother had been living in the trailer with him and his roommate █████ for the last week and a half. RIVERA slept on the couch.

█████ believed his brother was working at the time, but was uncertain on what type of work, or whom the employer was. █████ believed RIVERA was working under the table.

Of importance, █████ said his brother did not return home Saturday evening. RIVERA showed back up to the house on Sunday evening at around 1800 hours. █████ said his brother was acting very strange Sunday night and he was incessantly playing with a folding knife while on the couch. █████ said RIVERA's behavior made he and █████ feel uncomfortable.

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████ said his brother was staring blankly into space. █████ said RIVERA had a crazy facial expression, like he wasn't present in the moment or reality.

████ and █████ told A/Sgt. LEAHY they did not feel comfortable in the home with RIVERA manipulating the knife while he was acting paranoid. Both men told RIVERA multiple times to put the knife away but RIVERA refused to listen to them and responded only by mumbling unintelligible things in response to their requests. At times, RIVERA would walk around the inside of the trailer holding the knife with the blade open.

████ told A/Sgt. LEAHY he asked his brother to put the knife away before he hurts himself, cuts himself, or hurts somebody else. Instead, █████ said his brother only responded by saying, he had to go followed by mumbling. █████, who was preparing to leave the home to work the graveyard shift at █████, encouraged RIVERA to go to the emergency room and tell the doctors he was suffering from a mental break or having a bad reaction to drugs. █████ said RIVERA refused to listen to his advice.

████ said his brother did not customarily carry knives and this was the first time he had seen this knife before. █████ said RIVERA had no history of mental illness, so he suspected his brother was under the influence of drugs. █████ said his brother left the trailer at around 2200 hours leaving his cellular phones behind.

████ said RIVERA had been acting paranoid recently and when he would hear sirens in the distance, RIVERA would tell █████ the police were looking for him. █████ said this type of behavior was odd to him because the sirens could have been from an ambulance or firetruck, but RIVERA was convinced the sirens were always the police searching for him.

████ allowed A/Sgt. LEAHY to collect RIVERA's belongings from the home. A/Sgt. LEAHY collected two cellular phones believed to belong to RIVERA, along with two empty cannabis containers and two garbage bags of clothing. A/Sgt. LEAHY provided █████ with his contact information and thanked him for his time

During the course of the investigation it was determined RIVERA was the subject of a 'Check the Welfare/Jumper' radio call (*Event #18050041672*) on Saturday evening, the same night RIVERA didn't return home to his brother's place where he was staying.

A citizen called police to report a man (*RIVERA*) potentially preparing to jump off of a freeway overpass.

Officers were dispatched and contacted RIVERA. The officers determined RIVERA was the subject of the radio call. Body worn camera footage from the encounter was reviewed and the interaction between officers and RIVERA appeared casual. It was determined at the time that RIVERA was not suicidal and did not meet the 5150 WI criteria. RIVERA was escorted off the overpass and released from the scene.

On May 29, 2018, Detective BEARD witnessed the autopsy of RIVERA. Deputy Medical Examiner Fellow Doctor SNYDER conducted the autopsy. Deputy Medical Examiner Doctor STABLEY was the supervising/witnesses pathologist.

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A Taser probe and barb were found attached to RIVERA's right hand. Detective BEARD reported approximately seven (7) injuries to RIVERA's body where contusions and/or abrasions were noted. Detective BEARD said the injuries appeared consistent with bean bag rounds impacting the body.

RIVERA had approximately eighteen (18) penetrating and perforating gunshot injuries throughout his body. Detective BEARD reported recovering eight (8) projectiles from within RIVERA's body.

Detective BEARD said Doctor SNYDER determined the cause of RIVERA'S death was gunshot wounds of the body and the manner of death was ruled a homicide.

On May 31, 2018, Team V presented this investigation to Special Operations Division within the District Attorney's Office. Also present for the presentation were representatives from the F.B.I. and United States Attorney's Office.

Reporting Detective Christopher Leahy I.D. 5869 Homicide Team: V
Approved by: W.M. DOBBS 5228 Date of this report: 06/28/18 Time: 0719

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **CASTELLANOS, Daniel**
DOB: [REDACTED]
SDPD #7329
Southern Division
1120 27th Street
San Diego, CA. 92154
2nd watch/Th-F-S off
(619) 424-0400
Supervisor-Sgt. Jesse OCHOA

WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue.

I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the street (2300 Tocayo Avenue) acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife patrol officers were dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at approximately 0327 hours, I met with and spoke with Officer CASTELLANOS who was identified as an officer who deployed bean bag rounds during the incident. Officer CASTELLANOS essentially told me the following:

I work second watch and my call sign tonight was 723Y. I have worked for the police department for almost 3 years, in August it will be three years.

I was at a 10-17 getting a report signed. The 10-17 was at 1300 30th, it's a building and we meet in the back lot. I am not sure of the time but I got dispatch to a 415 (disturbance) weapon call. The call was a gentleman armed with a knife at Tocayo and Hollister. I don't know how far I was, but would estimate maybe 3 to 4 miles away.

I acknowledged the call on my MPS by hitting the button. The call was a male with a knife and then the call was updated that Border Patrol was 97 (on scene) with the male. Shortly after that update is when I arrived on the scene.

I arrived and saw multiple Border Patrol agents who had firearms pointed at the gentleman. I arrived on Tocayo from the east to the west.

I drew the basic outline of the intersection and Officer CASTELLANOS placed where he was in relationship to the others on scene by drawing an "car" and placing an "X" in the center of it (near the northeast corner of the intersection. Officer CASTELLANOS drew several Border Patrol cars by drawing a car and placing "BP" in the center of it.

I think there was a PD unit already there when I arrived. There were at least four Border Patrol guys with guns on the guy. The male was in the intersection (marked on the diagram with a circle and an "S"). I got out of my car and I heard shouting by Border patrol, but I cannot recall what was said. I remember A/Sgt. ADAMS was on the air saying Border Patrol was giving commands to the male.

(At any point did you see the male with a weapon?) Yes. It was a knife in his right hand. It was pointy, about a 6 inch blade, it was shiny chrome or silver. He was, I don't know how to explain (demonstrated his arms at about hip level flinching forward) like enticing.

(Antagonizing?) Correct, antagonizing. He was facing the Border Patrol agents (Officer CASTELLANOS again flinched forward with his hands at hip level as he responded.) He would advance every gesture, he would move several feet forward.

(What were the Border Patrol agents doing when he was moving?) They were retreating. They were taking steps back and giving commands.

(So what did you do?) I got out of my car and I saw/heard A/Sgt. Adams giving updates. I look and I see the guy making the motions. I go back to my car and get my bean bag shotgun and load it up. I put four in it.

(Do you carry your bean bag shotgun empty or patrol ready?) [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] I walked up to where the male was standing, threatening and posturing with Border Patrol. I got pretty close. There was a small electrical box and I got behind it. The suspect started moving slightly forward and BP was moving slightly back. I was behind the box.

Border Patrol was on the curb of the sidewalk. They were to my right. I had to tell one of them to get out of my line of sight.

(Did they acknowledge that you were there?) I believe so because he moved to my right.

(Were you giving commands at this point?) No, I am downrange. I saw him still moving.

(How far was the suspect from the Border Patrol agents?) I would estimate 15 to 18 feet. I was maybe four feet behind them.

(Then what happens?) Border Patrol is still giving commands. I gave the command, "deploying beanbag". It's an audible warning that I am going to deploy a beanbag round as opposed to gunfire. Right when I was saying it, I heard a bang and it was a separate bean bag deployment and then I deployed. I racked another round and the suspect took off westbound (on Tocayo).

(Do you know if your bean bag hit him?) I think somewhere in the leg. He got hit first with a separate bean bag. The suspect goes westbound, I followed him.

(Did he cross the entire intersection at that point?) Correct (suspect path designated on diagram with a dotted line). Another PD officer followed, I think Officer MARTINEZ. He was right in front of me. He was giving verbal commands. The suspect kept moving. I gave another command that I was deploying the bean bag and I fired two more times. I was just south of him so I was shooting like north to northeast. I deployed twice and both hit him in the upper body/torso.

(Did the bean bag appear to have an impact?) He just did a quick grimace but that was it. He turned toward me a little bit and that is when I hit him the second time. I hit him in the right bicep area.

Investigator's Report

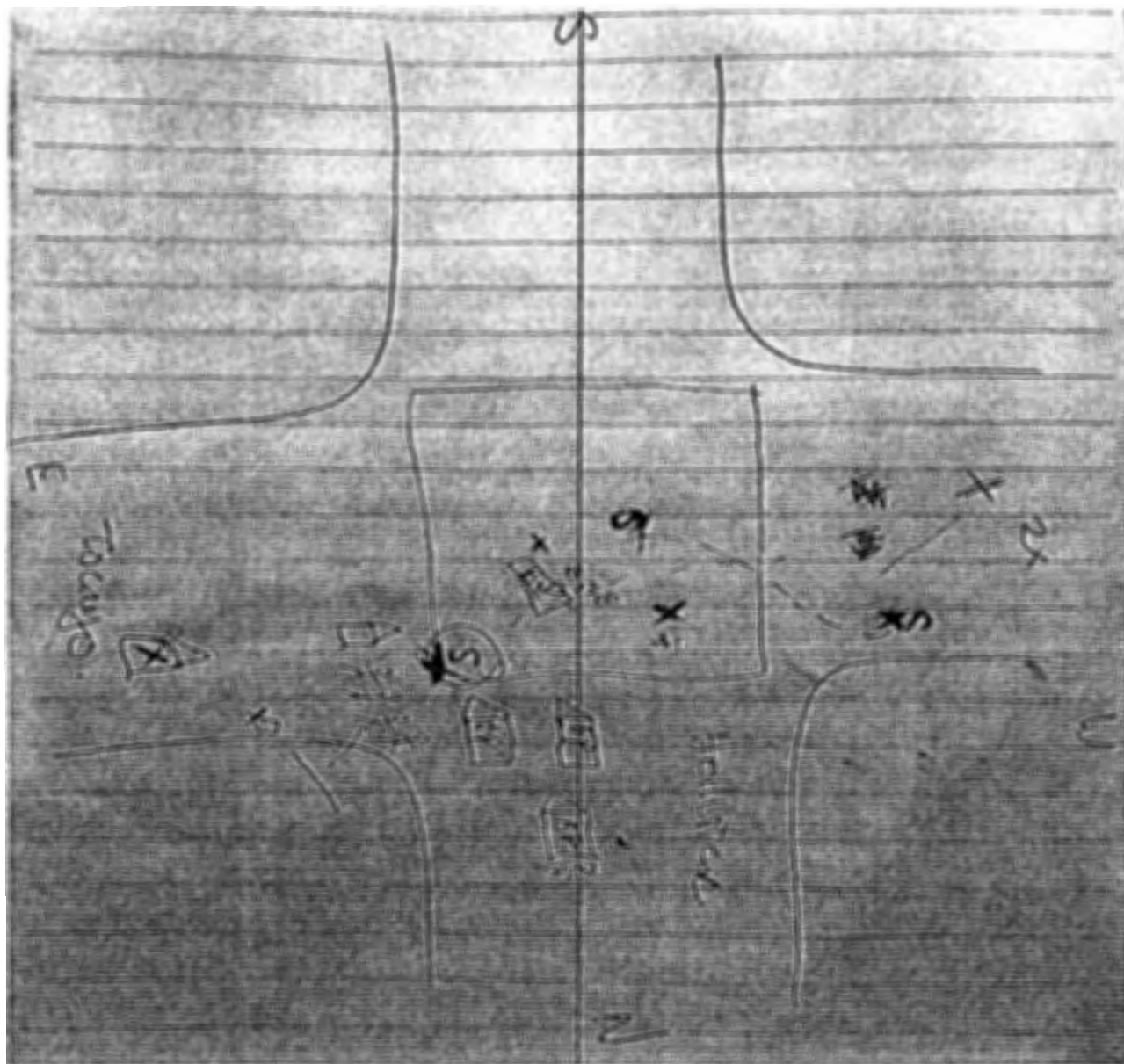
Witness: CASTELLANOS, Daniel

Case #18-001350/ 18-001351

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(What were the Border Patrol agents doing at this point?) I remember seeing one following, but the suspect kept moving. He was roaming and that is when I deployed the two bean bags. There was a Border Patrol car in the middle of the intersection. The suspect gets right in the middle of the intersection and I deployed one more bean bag, towards the south. I realized my bean bag shotgun was empty. Officers continued to engage the suspect.

My bean bag gun was empty and I made the decision to get rid of it as a force option. I put the gun in a Border Patrol car. I came to about here (placing an 'X' near the BP car in the intersection). I was asking for lethal to come to my side because I was going to try another less lethal option with my Taser. While asking for that, the other PD units were here (to the right of the "X"). The suspect never stood still. It was never stagnant, it was always fluid. I got my Taser out and pointed it at him. At that time he started advancing northbound towards the officers. That is when I heard the gunfire.



Investigator's Report

Witness: CASTELLANOS, Daniel

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I heard about 8 to ten shots. I hear officers yelling "Drop the knife, drop the knife." Throughout the whole process I heard that. Officers fired on him. I took out my service weapon and pointed it at him. I maintained a lethal option as the suspect continued to hold onto the knife.

(Did something change from the time you were going to your Taser to the time that you heard gunfire? Was there a change in his behavior?) Yes, he advanced northbound. The whole time he was kind of going away from people, then he was all over the place and then he moved forward.

I would say he maintained a highly agitated demeanor, but when we applied less lethal he moved. The officer were shooting probably like southwest. As the gunfire happened, he got hit and fell back. The knife was still in his right hand.

Several officers became a contact team and I maintained lethal option on him. Officers slowly approached, turned him over and handcuffed him. I holstered my gun and assisted by placing the suspect on his side, in a recovery position. Medics arrived shortly thereafter.

(When you arrived, who was in charge, Border Patrol or PD?) BP was first on scene and started addressing the suspect, but I would say when PD got on scene with less lethal and started using that force option we took over.

(Do you recall what the suspect was wearing?) Dark cargo shorts and like a dark t-shirt.

(Did he ever say anything to you?) He said stuff but I don't remember what.

(Do you know if it was in Spanish or English?) English.

I completed the interview after approximately 30 minutes. The interview was digitally recorded in its entirety, refer to recording for complete details.

Reporting Detective Jana Beard I.D. 4807 Homicide Team: V
Approved by: *Det. D. Byron 5260* Date of this report: 06-06-2018 Time: 11130

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

CD LIST:

1. Photos of processing of subject officers.
2. ABLE video.
3. Audio of communications.
4. Audio of interviews with Ofc. [REDACTED], A/ Sgt ADAMS, Ofc. VERDUZCO and officer photos
5. Scene photos 1-251
6. Scene photos 252-511
7. Autopsy photos
8. Audio of Briefing
9. BWC
10. Audio of Border Patrol Interviews
11. Audio of Border Patrol Communications
12. Photos of Border Patrol vehicle processing
13. Audio of interviews with Ofc. MUNIZ, Ofc. MENDOZA, [REDACTED]
And [REDACTED]
14. Audio of interviews with Ofc. CARTER TORRES, Ofc. MARTINEZ, Ofc. RODRIGUEZ, walk through audio recordings and Audio of interview with [REDACTED]
[REDACTED]
15. Audio of interviews of [REDACTED] and Ofc. CASTELLANOS,
16. CD containing data extracted from Raul RIVERA SIM card

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

RAUL RIVERA CELL PHONE DOWNLOAD:

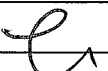
On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife in the street 2300 Tocayo Avenue acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene. San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers with the knife. San Diego Police officers deployed bean bag shotgun impact projectiles and taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by gunfire and dropped to the ground. Officers began examining RIVERA to render first aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing I was assigned to conduct the scene investigation.

On May 28, 2018, at approximately 0945 hours, Acting Sergeant LEAHY spoke with RIVERA'S [REDACTED], at his residence [REDACTED]. [REDACTED] gave two bags containing all of Raul RIVERA'S belongings and Raul RIVERA'S cell phone, a Coolpad grey and black in color with a cracked screen, to Acting Sergeant LEAHY. [REDACTED] gave Acting Sergeant LEAHY a second cell phone, a Life Wireless black in color, which he said did not belong to anyone in the trailer and may belong to [REDACTED]

On June 14, 2018, I attempted to charge and power on the Life Wireless black cell phone in an attempt to determine who the cell phone belonged to. The cell phone would not charge nor power on.

On June 14, 2018, Honorable Judge BLOOM issued a search warrant (#57464) for the forensic examination of RIVERA'S cell phone, the Coolpad grey and black cell phone. I charged the cell phone and powered it on. It was locked by the user with a numeric passcode. I attempted to conduct an extraction of the contents of the cell phone with the Cellebrite UFED Touch. I was unable to unlock or bypass the lock code in order to conduct an extraction on the cell phone. I was able to remove the SIM card from the cell phone and conduct both a logical extraction and file system extraction of the cell phone. I then used the Physical Analyzer to create a readable report of the information extracted from the SIM card.

I then reviewed the report containing the extracted information. I observed the SIM/USIM MSISDN was [REDACTED], which would be the telephone number of the cell phone. I did not observe any other relevant information extracted from the SIM card.

Reporting Detective Allison I.D. 5806 Homicide Team: V
Approved by:  #5806 Date of this report: 06/14/18 Time: 1130 hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

RAUL RIVERA CELL PHONE DOWNLOAD:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife in the street 2300 Tocayo Avenue acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by gunfire and dropped to the ground. Officers began examining RIVERA to render first aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing I was assigned to conduct the scene investigation.

On May 28, 2018, at approximately 0945 hours, Acting Sergeant LEAHY spoke with RIVERA'S [REDACTED], at his residence [REDACTED], [REDACTED]. [REDACTED] gave two bags containing all of Raul RIVERA'S belongings and Raul RIVERA'S cell phone, a Coolpad grey and black in color with a cracked screen, to Acting Sergeant LEAHY. [REDACTED] gave Acting Sergeant LEAHY a second cell phone, a Life Wireless black in color, which he said did not belong to anyone in the trailer and may belong to [REDACTED]

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Investigator's Report
RIVERA Cell Phone Download
Case #18-602576/ 18-016572
Page 2

On June 14, 2018, the Honorable Judge BLOOM issued a search warrant (#57464) for the forensic examination of RIVERA'S cell phone, the Coolpad grey and black cell phone. I charged the cell phone and powered it on. It was locked by the user with a numeric passcode. I attempted to conduct an extraction of the contents of the cell phone with the Cellebrite UFED Touch. I was unable to unlock or bypass the lock code in order to conduct an extraction on the cell phone. I was able to remove the SIM card from the cell phone and conduct both a logical extraction and file system extraction of the cell phone. I then used the Physical Analyzer to create a readable report of the information extracted from the SIM card.

I then reviewed the report containing the extracted information. I observed the SIM/USIM MSISDN was [REDACTED] which would be the telephone number of the cell phone. I did not observe any other relevant information extracted from the SIM card.

On August 22, 2018, I received an email from RCFL (Regional Computer Forensics Laboratory) in which they stated the Cellebrite 4PC was now able to unlock the Coolpad cell phone allowing for the extraction of information from the cell phone.

On August 23, 2018, Honorable Judge BLOOM issued a search warrant (#58086) for the forensic examination of RIVERA'S cell phone, the Coolpad grey and black cell phone. I took the cell phone to RCFL and used Cellebrite 4PC to attempt to unlock the cell phone. I was unable to do so because the cell phone was not just locked by the user but placed in secure boot mode by the user. I was unable to extract any information from the cell phone.

Reporting Detective Kate Allison I.D. 5806 Homicide Team: V
Approved by: Sgt. L. Maggi #5595 [REDACTED] Date of this report: 08/24/18 Time: 0601 hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

CRIME SCENE INVESTIGATION:

Call Out:

On May 27, 2018 at approximately 2330 hours, I received a group text message from Acting Sergeant Chris LEAHY #5869. Acting Sergeant LEAHY directed me to respond to the area of 2300 Tocayo Avenue to assist in an officer involved shooting investigation.

I arrived at the scene at 0055 hours on May 28, 2018. I noted the sky was overcast and the temperature was approximately 62 degrees.

The scene was located in the street at the intersection of 2300 Tocayo Avenue and 1800 Hollister Street. Access to the intersection for both vehicular and pedestrian traffic was blocked off with marked patrol vehicles, uniformed officers and crime scene tape in all four directions. Additional patrol officers and crime scene tape were protecting the scene perimeter.

The intersection of 2300 Tocayo Avenue and 1800 Hollister Street is located in a residential area. There are residential structures on all four sides of the intersection. The intersection is within the City of San Diego in the community referred to as "Nestor". The location of the scene is in beat 722.

Homicide Personnel at Scene:

Present from the Homicide Unit were Captain Mike HASTINGS #5170, Lieutenant Anthony DUPREE #5048, Acting Lieutenant Steve SHEBLOWSKI #5317, Homicide Team V Acting Sergeant Chris LEAHY #5869, along with Detectives Dan BUROW #5268, Jana BEARD #4807, Andrew TAFOYA #6101 (relief) and myself. Homicide Team I Detectives Tracy BARR #5533, Mike WEAVER #6153, Andrea TAYLOR #6399, Jesse ZALDIVAR #5516, also responded to assist with the investigation. Present from the San Diego Police Department's Crime Lab were Crime Scene Specialist Alyssa CARBONE #8733 and Criminalist Adam DUTRA #8236.

Others present for the briefing included the following: Chief David NISLEIT #4303, Assistant Chief Todd JARVIS #3663, Assistant Chief Terrance CHARLOT #5325, Captain Tom UNDERWOOD #5001, Lieutenant Andra BROWN #3950, Lieutenant Evan ZEIGLER #4450, Detective Sergeant John HUYS #5097, Detective Sergeant Cesar JIMENEZ #6593, Acting Sergeant Terrance BRYAN #5301, District Attorney Investigator Bob LOBATO.

Briefing:

Prior to the briefing, at approximately 0112 hours, Crime Scene Specialist CARBONE, began taking overall photographs of the scene. Crime Scene Specialist CARBONE stopped taking photographs when the briefing began.

At approximately 0122 hours on May 28, 2018 hours, Patrol Acting Sergeant Terrance BRYAN #5301 briefed us on the incident. The briefing took place while standing in the closed off lanes of 2300 Tocayo Avenue. The briefing was audio recorded and I have documented a synopsis below. For the exact word for word account, refer to the recording of the briefing.

Acting Sergeant BRYAN essentially told us the following:

I am acting Sergeant Terrance BRYAN, ID #5301. My unit designator for this evening is 714S2. At 2252 hours, San Diego Police Communications received a call from [REDACTED] who was driving by the location. Her telephone number is [REDACTED]. The call was entered into communications at approximately 2252 hours. The call was dispatched at approximately 2253 hours. The San Diego Police Event number is 18050043895.

The original call came in as a 415 weapon call, man with a knife, on beat 722. The location was the intersection of Hollister Street and Tocayo Avenue. Weather conditions at the time of the incident were overcast and dark with street lighting. The approximately temperature at the time of the incident was 62 degrees.

The first officer to arrive on scene was Acting Sergeant Kristin ADAMS, ID #5384, arriving at 2256 hours. Within a minute or so numerous other officers arrived including Sam RODRIGUEZ, ID #6941, M. MARTINEZ, ID #7591, W. CARTER, ID #7709, Officer J. MENDOZA, ID #5555, Officer D. CASTELLANOS, ID #7329, and Officer M. VERDUZCO, ID #7409. There were also numerous Border Patrol agents present. I have the list of Border Patrol agents that were present. I will read it off.

Border Patrol Agent LUNA, Border Patrol Agent PAIR, and Border Patrol Agent PORTER. They were present but heard the incident only. The following Border Patrol agents were present and witnessed the actual shooting: Border Patrol Agent PANIAGUA, Border Patrol Agent FELIX, Border Patrol Agent GARCIA, Border Patrol Agent ONEIL, Border Patrol Agent HERNANDEZ, Border Patrol Agent SHOOK, Border Patrol Agent MARTINEZ, Border Patrol Agent PALAFOX and Border Patrol Agent PINO.

A brief description of the incident: When Acting Sergeant Adams arrived on scene the subject was in the intersection of Tocayo Avenue and Hollister Street. He was brandishing a firearm. (Acting Sergeant BRYAN later clarified he meant brandishing a knife and mistakenly said firearm.)

Acting Sergeant ADAMS broadcast over the radio at 2259 hours, that the subject was a gunpoint. At 2301 hours, a radio broadcast went out that the bean bag had been deployed. At 2302 hours, radio broadcast of shots fired.

The suspect was identified by his California ID card as Raul Luis RIVERA. The address on his ID card which we were unable to confirm if this is his correct address, is [REDACTED], [REDACTED]. His date of birth is 05-16-76. He is further described as a Hispanic male, 5'10" tall, 215 lbs.

Paramedic Unit 30 and Engine Company 30 arrived at the scene. EMT Christopher CALDWELL, ID#CC4425 and EMT Robert SOLE, ID #RS5763 operated the paramedic unit. They performed CPR and other life saving measures. At 2322 hours, the suspect was pronounced dead by Doctor SIMMONS from Scripps Mercy Hospital.

The suspect is currently located in the middle of the intersection of Tocayo Avenue and Hollister Street. He is lying on his back with his head positioned towards the southwest and his feet towards the northeast. The knife is located approximately 20'00" south of the suspect and an electron flare has been placed over the top of it so it can protect it.

I have a partial list of witnesses. I am missing one, waiting for that information now. There were at least three vehicles that were in the roadway heading westbound on Tocayo Avenue that were occupied and witnessed the incident.

The first vehicle was a [REDACTED]. The driver was identified by his [REDACTED] driver's license as last name of [REDACTED] first name of [REDACTED]. He is a Hispanic male with a date of birth [REDACTED]. He lives at [REDACTED]. He is a Spanish speaker. The passenger of that vehicle was his wife. Last name of [REDACTED], first name [REDACTED], date of birth [REDACTED]. She is an English speaker. Telephone number for her [REDACTED]. There was a passenger in the backseat, the son, [REDACTED]. I don't have his last name. Date of birth of [REDACTED]. Those people could not stay at the scene. They have since gone home but are available for contact.

There was another vehicle. A [REDACTED]. It is still at the scene. The driver is identified as [REDACTED]. Date of birth [REDACTED]. Has a California driver's license of [REDACTED]. Lives at [REDACTED]. His personal cell phone is not in service right now but he gave a number of [REDACTED]. He gave an alternate number, his mother's cell phone, [REDACTED]. He had a passenger, [REDACTED], date of birth [REDACTED]. His California driver's license number is [REDACTED]. He lives at [REDACTED]. His phone number is [REDACTED]. They are still at the scene.

The next witness is also still at the scene and was was in a vehicle. Last name of [REDACTED], first name of [REDACTED]. Date of birth [REDACTED]. She lives at [REDACTED]. Her [REDACTED] is [REDACTED]. Her telephone number is [REDACTED]. She is also still at the scene.

Next witness was in his backyard with full view of the scene and claims to have cell phone footage but I have been unable to confirm that. Last name of [REDACTED], first name [REDACTED]. Date of birth [REDACTED]. Identified by his California driver's license of [REDACTED] and lives at [REDACTED]. He has a phone number of [REDACTED]. He is located with an officer on Hollister south of Tocayo outside the perimeter of the scene.

There was another witness in a vehicle. However he claims he did not see anything but I got his info anyway. [REDACTED] with a California plate of [REDACTED]. The driver was identified by his driver's license as [REDACTED] with a date of birth of [REDACTED], [REDACTED] number of [REDACTED]. Local address of [REDACTED]. His phone number is [REDACTED].

We did do a safety check south of the intersection. At least one Border Patrol vehicle was struck by at least one round. That vehicle is still at the scene. No officers were injured during the incident. No civilians, other than the suspect were injured.

The initial reports did not say the suspect was threatening anybody but he was in the intersection waving the knife at passing cars. Border Patrol was here and attempted to contact the male before Acting Sergeant ADAMS arrived. Border Patrol did not fire any weapons or use any less lethal options.

Officers MENDOZA and CASTELLANOS each fired five rounds from their bean bag shotguns for a total of ten rounds. Officers RODRIGUEZ, MARTINEZ and CARTER all fired their handguns. I am not sure how many rounds. MARTINEZ also, prior to firing his handgun had attempted to use his Taser on the suspect and a witness officer, Officer MUNIZ, also used a Taser. All of the officers involved both witness and shooting officers, are back at Southern Division. All of the Border Patrol officers are at the Imperial Beach Border Patrol Station, located at 1802 Saturn Boulevard. They will be available for statements there.

There is a family that lives on the corner. I don't know the exact address that appeared to be related to the suspect. Initially, shortly after the incident, they had came out of the house and were yelling and screaming at officers. They have since gone back into their house. It is not confirmed if the decedent is associated to that house.

Border Patrol Agents are all just witness officers. According to the Border Patrol Supervisor, Agent PINO, none of his officers fired their weapons or used any less lethal options.

The briefing concluded at approximately 0149 hours. Acting Sergeant LEAHY then assigned the scene to me for investigation.

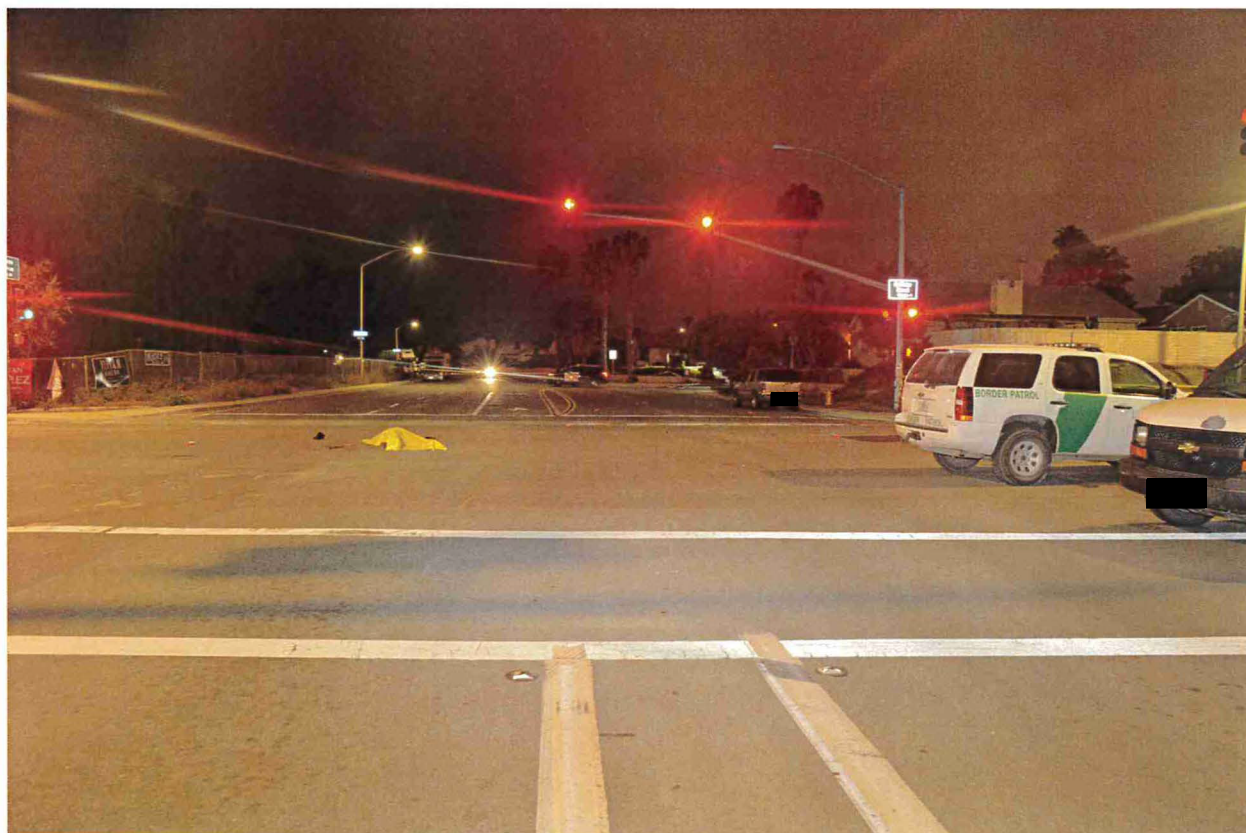
Scene Viewing:

Criminalist DUTRA, Crime Scene Specialist CARBONE and I then conducted a brief walk through of the scene to acclimate ourselves to the area. Crime Scene Specialist CARBONE then continued with her photography of the scene. I began to process the scene for evidence.

The scene was located in the intersection of 2300 Tocayo Avenue and 1800 Hollister Street. All four directions of the intersection are controlled by stop lights. Hollister Street is a two way street running north and south with a double yellow line in the center median approaching the intersection. At both the north and south end of the intersection there is a left hand turn lane and a second lane for vehicles to continue straight.

Tocayo Avenue is a two way street running both east and west with a double yellow line in the center median approaching the intersection. On the west side of the intersection there is a white dashed line dividing the west bound lane into two lanes. There is also a white dashed line separating the east bound traffic into two lanes and a left hand turn lane for traffic to go from east bound to north bound. On the east side of the intersection there is a white dashed line in the west bound traffic lane creating a right hand turn pocket, one lane for west bound traffic and one left hand turn lane. For east bound traffic there is one lane and a bike lane.

The lighting in the area consisted of street lighting and traffic signals which provided a low level of illumination in the intersection.



During the course of the investigation, as evidence was located, each item was assigned a placard number. Overall photographs were taken in an effort to show the relationship of each item of evidence to other items of evidence. Prior to the evidence being collected, when appropriate, close-up photographs were taken with the numbered placards in place.

I located fifty-five items of potential evidence from the scene. The following is a description of each item and the approximate location it was found:

Placard #	ITEM	Location:
1	Knife	South side of intersection
2	Wallet, handcuffs and hat	South side of intersection
3	Pen	South side of intersection
4	Apparent blood stain	South side of intersection
5	Taser probe and cartridge	Near middle of intersection
6	Bean bag round	Western side of intersection
7	Taser cartridge	On Tocayo west of Hollister
8	Bean bag shell casing	On Tocayo west of Hollister
9	Bean bag shell casing	On Tocayo west of Hollister
10	Bean bag shell casing	On Tocayo west of Hollister
11	Taser probe	On Tocayo west of Hollister
12	Bean bag round	On Tocayo west of Hollister
13	Bean bag round	On Tocayo west of Hollister
14	Bean bag round	On Tocayo west of Hollister
15	Bean bag shell casing	On Tocayo west of Hollister
16	Bean bag shell casing	On Tocayo west of Hollister
17	Bean bag round	On ice plant northwest of intersection
18	Bean bag round	Northwestern portion of intersection
19	Bean bag shell casing	On sidewalk on Hollister north of intersection
20	Bean bag shell casing	On sidewalk on Hollister north of intersection
21	Bean bag round	On sidewalk on Hollister north of intersection
22	Bean bag shell casing	On sidewalk on Hollister north of intersection
23	Bean bag round	East of intersection on Tocayo
24	Bean bag round	Northern side of intersection
25	Taser cartridge	Northwestern portion of intersection
26	Taser cartridge	Western side of intersection
27-54	Casings- 9mm	Northwest portion of intersection
55	Bean bag round shell casing	In sewer north of intersection on Hollister

I measured the location of each item before it was collected. All measurements were obtained via roll a tape, with the exception of item 17 which was measured by laser measuring device.

R1- West curb line of 1800 Hollister Street
R2- South curb line of 2300 Tocayo Avenue
R3- North curb line 2300 Tocayo Avenue
R4- East curb line 1800 Hollister

ITEM #	Distance east of R1	Distance north of R2
1	27'5"	26'0"
2	32'6"	32'8"
3	25'4"	25'11"
4	47'3"	36'9"

ITEM #	Distance east of R1	Distance south of R3
5	43'10"	30'8"
6	58'10"	37'9"

ITEM #	Distance west of R1	Distance south of R3
7	20'0"	29'3"
8	38'8"	10'8"
9	89'6"	20'10"
10	101'0"	24'3"
11	121'0"	31'5"
12	104'7"	9'0"
13	100'6"	3'6"
14	20'4"	0'2" **north of R3**
15	15'8"	9'6"
16	7'5"	6'11"
17	11'11"	16'2" **north of R3**
18	6'1" **east of R1**	11'4"

ITEM #	Distance west of R4	Distance north of R3
19	6'0"	34'3"
20	5'0"	34'6"
21	6'9"	14'8"
22	9'0"	10'2"
23	11'7"	3'0" **south of R3**

ITEM	R3 (Feet east of R4)	R4 (Feet south of R3)
24	39'10"	10'10"
25	30'2"	17'6"
26	29'11"	22'5"
27	36'8"	18'3"
28	38'3"	26'5"
29	39'9"	23'9"
30	42'2"	22'0"
31	40'9"	26'5"
32	42'6"	25'1"
33	42'2"	28'1"
34	42'2"	28'10"
35	47'7"	20'5"

36	48'3"	21'10"
37	48'2"	22'9"
38	47'8"	22'9"
39	47'9"	22'11"
40	50'8"	25'4"
41	53'1"	23'4"
42	53'5"	24'2"
43	53'4"	25'5"
44	53'1"	25'10"
45	52'5"	29'3"
46	52'4"	29'10"
47	53'9"	29'1"
48	53'8"	28'2"
49	53'8"	27'6"
50	57'2"	32'3"
51	55'2"	25'9"
52	55'7"	25'5"
53	57'0"	22'1"
54	54'4"	21'4"

ITEM #	Distance east of R4	Distance north of R3
55	2'8"	29'3"

After each of the items were photographed and measured, Crime Scene Specialist CARBONE collected each item.

There were three vehicles in the intersection of Hollister Street and Tocayo Avenue when I processed the scene; two Border Patrol vehicles, an SUV (vehicle #M94280) and a van (vehicle #P03691), along with the privately owned vehicle of Border Patrol Agent GARCIA (a [REDACTED], [REDACTED] license [REDACTED]). There was an additional Border Patrol SUV (vehicle #M94257) on the south side of the intersection on Hollister Street parked along the east curb line. This vehicle had an impact mark from a bullet in the windshield. The vehicle was towed from the scene for evidence. I measured the location of all four tires of each of the aforementioned vehicles.

- R1-** West curb line of 1800 Hollister Street
- R2-** South curb line of 2300 Tocayo Avenue
- R3-** North curb line 2300 Tocayo Avenue
- R4-** East curb line 1800 Hollister

BP Vehicle #P03691	Distance south of R3	Distance west of R4
Front left tire	17'7"	3'6" **east of R4**
Front right tire	18'9"	2'2"
Rear left tire	5'2"	0'0"
Rear right tire	5'10"	6'3"

BP Vehicle #M94280	Distance south of R3	Distance west of R4
Front left tire	9'10"	14'6"
Front right tire	9'6"	9'9"
Rear left tire	19'11"	14'4"
Rear right tire	19'9"	9'7"

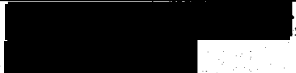
Ford truck, CA #82297A1	Distance south of R3	Distance west of R4
Front left tire	12'10"	27'11"
Front right tire	12'10"	33'5"
Rear left tire	3'5"	27'11"
Rear right tire	3'5"	33'5"
BP Vehicle #M94257	Distance south of R2	Distance west of R4
Front left tire	11'9"	6'11"
Front right tire	11'2"	2'2"
Rear left tire	21'4"	9'0"
Rear right tire	21'1"	2'6"

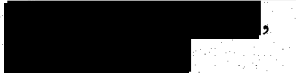
There were also two San Diego Police Department marked patrol vehicles at the scene; one of which (vehicle #7450) was in the left hand turn pocket on Hollister just north of the intersection of Tocayo Avenue and Hollister Street and the other (vehicle #7457) was in the westbound lane of Tocayo Avenue just east of the intersection. Vehicle #7457 had the overhead lights activated. The lights were turned off while Crime Scene Specialist CARBONE was taking photographs.

Two witness vehicles were also still at the location, a silver [REDACTED], [REDACTED] license [REDACTED] and a [REDACTED], [REDACTED] license [REDACTED]. The [REDACTED] was in the eastbound lane of 2300 Tocayo Avenue, facing westbound, east of the intersection. The [REDACTED] was parked along the north curb line of 2300 Tocayo Avenue. Detective TAFOYA interviewed the driver of the [REDACTED]. During the interview she showed Detective TAFOYA approximately where her vehicle had been during the time of the shooting, slightly east and south of her current parked location. Detective TAFOYA used chalk to mark in the roadway the approximately position of the [REDACTED] at the time the shooting occurred. I measured the chalk mark in the roadway indicating approximately where the front left tire would have been at the time of the shooting, as well as the location of the front tires where [REDACTED] and [REDACTED] were currently positioned. Measurements were obtained using a roll a tape. See measurements below.

- R1- West curb line of 1800 Hollister Street
- R2- South curb line of 2300 Tocayo Avenue
- R3- North curb line 2300 Tocayo Avenue
- R4- East curb line 1800 Hollister

[REDACTED] (Estimated position)	Distance south of R3	Distance east of R4
Front left tire	9'9"	35'10"

 (Current position)	Distance south of R3	Distance east of R4
Front left tire	3'7"	54'8"
Front right tire	9'5"	54'8"

 (Current position)	Distance north of R2	Distance east of R4
Front left tire	23'0"	122'2"
Front right tire	30'0"	121'10"

At approximately 0405 hours, Medical Examiner Investigator Tessa LEE #24 arrived on scene. Medical Examiner Investigator LEE provided me with the Medical Examiner's case number, 2018-01312. I took measurements of RIVERA'S body prior to it being moved by Medical Examiner Investigator LEE.

BODY MEASUREMENTS	Distance west of R4	Distance north of R2
Head	24'3"	41'5"
Right Foot	25'11"	38'10"
Left Foot	30'10"	38'3"
Torso	29'2"	37'11"

Both Crime Scene Specialist CARBONE and Medical Examiner Investigator LEE took photographs of RIVERA'S body.

The body removal team (Michael LOONEY and unnamed partner) arrived at our location at approximately 0450 hours. LOONEY and his partner placed paper bags on RIVERA'S head, hands and feet. Then they placed RIVERA'S body into a body bag and LOONEY sealed it with tag #2258442 at approximately 0510 hours. LOONEY and his partner then transported RIVERA'S body to the medical examiner's office.

At approximately 0545 hours, Officers RODRIGUEZ, CARTER TORRES and MARTINEZ returned to the scene for a walk-throughs with Acting Sergeant LEAHY. The walk-throughs were digitally recorded by Acting Sergeant LEAHY. (Refer to recording and her reports for complete details.) A separate walk through was conducted for each officer.

During the officer walk through, each officer provided a general area of where he believed he was positioned when he fired at the suspect. Crime Scene Specialist CARBONE marked this area with miniature orange cones labeled with the numbers 1 (Officer RODRIGUEZ), 2 (Officer CARTER TORRES) and 3 (Officer MARTINEZ). Crime Scene Specialist CARBONE photographed the location of each of the orange cones.

At approximately 0910 hours, we cleared the scene.

Reporting Detective K. ALLISON I.D. 5806 Homicide Team: V
Approved by: A/Sgt. Leahy #5869 Date of this report: 05-31-2018 Time: 1105

OIS Case #: 18-602576

Officers: Rodriguez, Samuel; Martinez, Michael;
Carter Torres, William

Suspect: Rivera, Raul

Date/Time: 5/27/18 @ 2252 Hrs

Location: 2300 Tocayo Avenue
San Diego, CA

Scene Investigator: Det. K. Allison, #5806

Approved by: *D. Bullock*

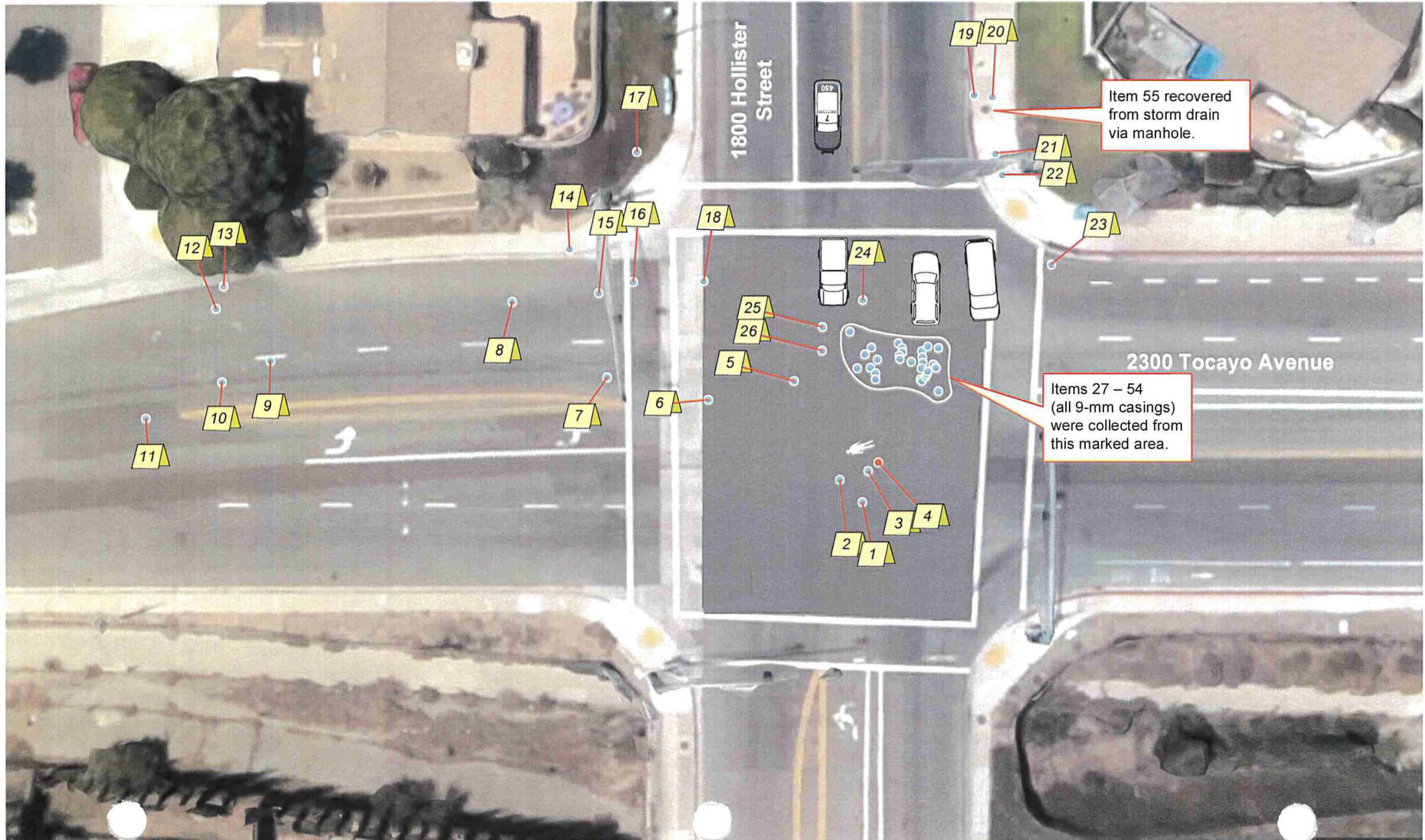
Prepared by: Leland Welsh, #0586



Not to Scale

Evidence Markers

1	Knife	7	Taser cartridge	25	Taser cartridge
2	Wallet; handcuffs; hat	8	- 10 Bean bag	26	Taser cartridge
3	Pen		shell casing	27	- 54 Casings: 9-mm
4	Swab of apparent blood	11	Taser probe	55	Bean bag shell casing
5	Taser probe and cartridge	12	- 24 Bean bag round		
6	Bean bag round		or shell casing		



**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

MORGUE SCENE:

On May 27, 2018, at about 2252 hours, Raul RIVERA was shot and killed by police after he assaulted them with a knife in the intersection of Hollister and Tocayo Avenue.

On May 29, 2018, beginning at approximately 0930 hours, I was a witness to the autopsy of RIVERA at the San Diego County Medical Examiner's office. Deputy Medical Examiner Fellow Doctor SNYDER conducted the autopsy. Deputy Medical Examiner Doctor STABLEY was the supervising/witnessing pathologist. Forensic Assistant Shannon NELSON assisted Doctor SNYDER. Crime Scene Specialist, Allysa CARBONE ID, #8733, photographed the proceedings and collected evidence. Crime Scene Specialist Kyle ZAVINSKY #8733 was also present and viewed the proceedings.

The decedent was first observed contained in a white zippered body bag on an examining bay table. The bag was sealed with a red tamper proof seal bearing number 2258442. The case was assigned Medical Examiner case number 18-01312.

CARBONE began taking overall photographs of the body bag in which the decedent was incased. Doctor SNYDER then broke the red seal and exposed the decedent. CARBONE then took additional photographs of the decedent in his present condition and continued doing so until the conclusion of the autopsy.

The decedent was wrapped in a white hospital sheet. He was wearing blue jeans with a black belt, a gray t-shirt, white socks and grey colored converse tennis shoes. The jeans and the grey t-shirt had several defects consistent with gunshots. There were two Taser barbs attached to the shirt in the area of the left chest and abdomen. The decedent's clothing and barbs were collected as evidence.

There were several items of medical intervention equipment affixed to the decedent; adhesive EKG pads. Refer to Doctor SNYDER's report for a complete inventory. These items were discarded.

The decedent's head, hands and feet were covered with paper bags. These items were removed and collected by CARBONE. I noted when the paper bags were removed that there was a Taser barb attached/imbedded in the web of the decedent's right hand.



The decedent wore no jewelry and had the following tattoos; the names [REDACTED]" and "[REDACTED]" on the left chest, a dragon on the left upper arm, a sword handle on the left shoulder with corresponding blade on left outer forearm, a sun on the right shoulder, three dots on the right hand, the profile/outline of a face on the right rib area, "RIVERA" on upper back, and an unknown design on the left scapula.

CARBONE conducted fingernail scrapings and collected the matter. CARBONE also collected an oral swab (DNA) and a head hair sample.

NELSON then washed the decedent. After the decedent was washed, CARBONE photographed the decedent in his present condition. I then began to closely observe the decedent as Doctor SNYDER viewed and examined him for wounds and irregularities. The viewing commenced with the decedent's head and face.

The decedent appeared to be a Hispanic male consistent with the stated age of 42 years. He was approximately 70 inches tall and weighed approximately 217 pounds. He had black and gray hair cut short and blue eyes. He was clean shaven.

The following trauma was noted:

The decedent's entire body was viewed by Doctor SNYDER and me. I noted abrasions to the decedent's right forearm and shoulder. These abrasions were consistent with the bean bag deployment. I noted abrasions and contusions to the decedent's right upper hip/side and mid upper stomach. These injuries were consistent with the bean bag deployment. I noted contusions on the decedent's left tricep and three contusion with abrasions on the decedent's upper and lower back. These injuries were consistent with the bean bag deployment. These injuries totaled seven, however refer to Dr. SNYDER'S report for count accuracy and wound description.

I noted injuries to the decedent's lower left abdomen and web of his right hand which were consistent to Taser deployment, refer to Dr. SNYDER'S report for count accuracy and wound description.

I noted what appeared to be two penetrating gunshot wounds to the decedent's left mid back. I noted what appeared to be two penetrating gunshot wounds to the decedent's left lower back. I noted a penetrating gunshot wound on the decedent's right buttock with a corresponding exit gunshot wound to the area of the decedent's right hip.

I noted a perforating gunshot wound (entrance and exit) to the decedent's left calf. I noted a penetrating gunshot wound to the decedent's left thigh.

In total, I counted approximately 9 gunshot wounds to the decedent's backside, refer to Dr. SNYDER'S report for count accuracy and wound description.

I noted a perforating gunshot wound (entrance and exit) to the decedent's upper right inner thigh.

I noted gunshot wounds to the decedent's left outer shoulder and left upper shoulder. The wound appeared to be related, but entrance and exit were not determine in my presence.

I noted a penetrating gunshot wound to the decedent's left abdomen and area of the left hip.

I noted a penetrating gunshot wound to the decedent's left inner bicep and a gunshot wound to the decedent's left chest by the arm pit and inner right arm near the bicep.

In total, I counted approximately 9 gunshot wounds to the decedent's front side, refer to Dr. SNYDER'S report for count accuracy and wound description.

Dr. SNYDER recovered projectiles and fragments from the following areas during the internal examination; left upper chest, left mid chest, right arm, right inner arm, spine, left arm, left hamstring, and right pelvis

Doctor SNYDER informed me the cause of RIVERA'S death was gunshot wounds of the body and the manner of death was ruled a homicide.

Investigator's Report

Witness: Morgue Scene

Case #18-001350/ 18-001351

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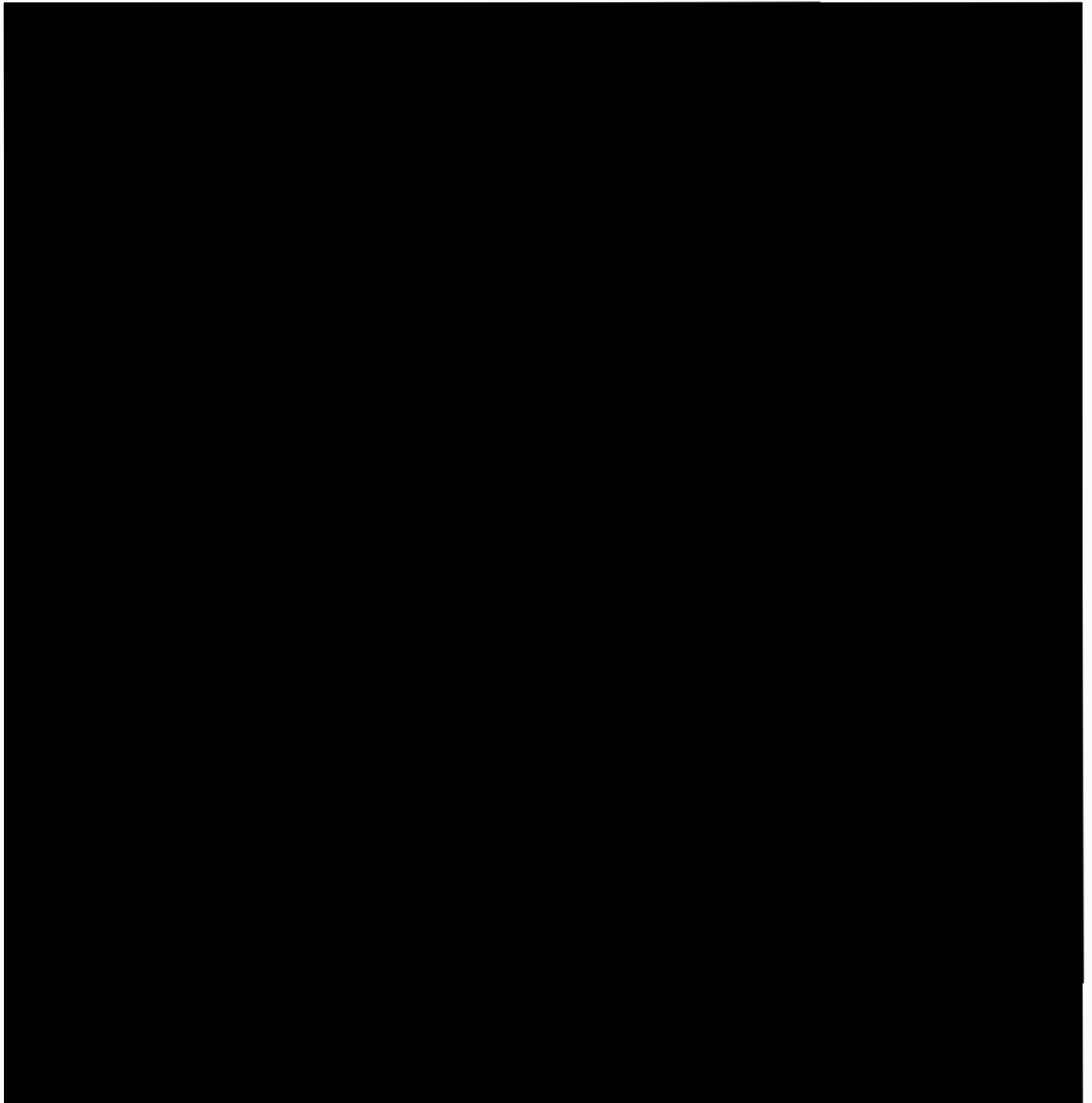
I concluded my observation of the autopsy at about 1600 hours.

This report is based on my observations during RIVERA'S autopsy; refer to Dr. SNYDER'S report for complete and accurate details.

Reporting Detective Jana BEARD I.D. 4807 Homicide Team: V

Approved by: A/Sgt. Leahy #5869 Date of this report: 06-01-2018 Time: 1600 Hrs.

eJIMS Inmate Detail



SAN DIEGO REGIONAL
FIELD INTERVIEW REPORT

4855392

92

NUMBER

72

NICKNAME / AKA

PHONE#

SOC. SEC. NO.

RACE

SEX

HAIR

EYES

HT.

WT.

H

M

BR

BLU

5'10"

215

D.O.B.

DRIVER'S LICENSE

STATE

051676

HAIR ☐ LONG ☐ SHORT ☐ BALD ☐ AFRO ☐ WAVY ☐ BRAIDED
FACE ☐ MUSTCH ☐ BEARD ☐ GOATEE ☐ LIGHT ☐ DARK ☐ ACNE
BUILD ☐ THIN ☐ HEAVY ☐ MSCLR ☐ GLASSES

PHYSICAL ODDITIES (SCARS, TATTOOS, ETC.)

CLOTHING WORN

VEH. LIC. NO. / STATE

BLU HAT, BLU COAT, BLU PANTS

VEH. YEAR MAKE MODEL COLOR TYPE
E H /

COMPANION 1 (LAST NAME FIRST)

RACE SEX D.O.B. HAIR EYES HT. WT.

COMPANION 2 (LAST NAME FIRST)

RACE SEX D.O.B. HAIR EYES HT. WT.

FRONT (VEHICLE INFO) REAR
☐ RIGHT DAMAGE ☐ LEFT DAMAGE ☐ RIGHT DAMAGE ☐ LEFT DAMAGE
☐ LOWERED ☐ RAISED ☐ LOWERED ☐ RAISED
☐ RUST PRIMER ☐ CUST WHEELS VINYL TOP ☐ DECAL/EMBL ☐
☐ UNQ EXT ☐ UNQ INT COLOR VAR/CUST ☐ INT COLOR

REAR
AGE
ED
IBL
CE

330 West Broadway
San Diego, CA 92101
(619) 531-4040
SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
SUMMER STEPHAN
DISTRICT ATTORNEY

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

December 13, 2018

Chief of Police David Nisleit
San Diego Police Department
1401 Broadway, Mail Station 700
San Diego, CA 92101

Re: Fatal shooting of Mr. Raul Luis Rivera on May 27, 2018, by San Diego Police Officers M. Martinez, S. Rodriguez, and W. Carter-Torres; San Diego Police Department Case # 18-605576; DA Special Operations Case No. 18-104PS; Deputy District Attorney Assigned: Paul Reizen

Dear Chief Nisleit:

We have reviewed the reports and other materials compiled by your agency's Homicide Division concerning the circumstances leading to the fatal shooting of Mr. Raul Luis Rivera by Officers M. Martinez, S. Rodriguez, and W. Carter-Torres on May 27, 2018. A District Attorney Investigator responded to the scene and was briefed by your officers. The completed case investigation was presented to the District Attorney's Office for review on September 25, 2018.

Summary

On May 27, 2018, at 10:52 p.m., the San Diego Police Department (SDPD) received a call report of a male threatening people with a knife. Almost simultaneously, United States Border Patrol (USBP) Agents were flagged down regarding a male armed with a knife. SDPD Officers arrived and saw numerous uniformed USBP agents had a male, later identified as Raul Rivera, at gunpoint. Rivera threatened officers with the knife and refused commands to drop his knife. Officers attempted to stop Rivera via non-lethal Taser and beanbags deployments to no avail. Rivera continued to act in a threatening manner and charged towards Officer Martinez. Officers Martinez, Carter-Torres, and Rodriguez fired their weapons at Rivera. Rivera fell to the ground and ultimately succumbed to his injuries.

Persons Involved

Raul Rivera was a 42-year old San Diego resident. Officer M. Martinez had been employed as a SDPD Officer for over one year. Officer Carter-Torres was a trainee and had been employed as a SDPD Officer for less than one year. Officer S. Rodriguez had been employed as a SDPD Officer for over five years. All officers were in full uniform.

Background

On the afternoon of May 26, 2018, a citizen telephoned 911 to report a male, later identified as Mr. Rivera, standing on the Palm Avenue median, over Interstate 5 in South San Diego. The citizen said Rivera appeared to be anxious and was pacing back and forth. The citizen feared Rivera was possibly contemplating suicide by jumping off the overpass onto the freeway traffic.

Police arrived and spoke to Rivera. Rivera denied having suicidal ideations. Rivera told the officer he was homeless.

Mr. Rivera's brother, identified in this review as [REDACTED], last saw Rivera on May 27, 2018 at approximately 6:00 p.m. [REDACTED] stated Rivera was starting to exhibit signs of paranoia and would not respond when spoken to. Rivera began manipulating a knife, tossing it up and down in the air. [REDACTED] roommate became increasingly uncomfortable with Rivera's behavior and asked [REDACTED] to have Rivera leave the residence. [REDACTED] said he spoke with his brother, who promptly left the home. Rivera left behind two cell phones. [REDACTED] had no further contact with Rivera.

Law Enforcement Witnesses

There were approximately 17 law enforcement witnesses (LEWs) to the officer involved shooting of Mr. Rivera. Those witnesses included five SDPD Officers (LEWs 1-5) and 12 USBP agents (LEWs 6-17). LEWs 1 through 3 participated in the incident by deploying less lethal methods of subduing Rivera. LEWs 4 and 5 pointed their weapons at Rivera, but did not fire. LEWs 6 through 17 saw and heard various portions of the event and some pointed their pistols at Rivera. None of LEWs discharged their weapons.

Law Enforcement Witness One (LEW1)

Law Enforcement Witness One was dispatched to the intersection of Tocayo and Hollister and saw at least four USBP agents pointing pistols at Mr. Rivera, who was standing in the intersection with a knife in his right hand. USBP agents shouted to Rivera to drop the knife.

Mr. Rivera was facing the Border Patrol agents and seemed to be "antagonizing" the agents by jabbing his knife in their direction. Rivera would then advance toward the USBP agents each time he jabbed. The USBP agents retreated while giving their commands.

LEW1 retrieved his beanbag shotgun and approached Mr. Rivera. Rivera was about fifteen to eighteen feet away from the USBP agents threatening and posturing with them. LEW1 stood behind an electrical box about four feet behind the agents and shouted, "deploying beanbag." Just as LEW1 shouted his warning, he heard another beanbag deployment. LEW1 then deployed his beanbag round, which struck Rivera's leg. Rivera took off running in a westbound direction on Tocayo and LEW1 followed ultimately firing more beanbag rounds at Rivera.

Officer Martinez also gave chase and was in front of LEW1. Mr. Rivera kept moving around. LEW1 fired the beanbag shotgun two more times. Both rounds struck Rivera in the torso. Rivera grimaced and turned toward LEW1. LEW1 fired again, striking Rivera on his right bicep. LEW1 deployed one more beanbag at Rivera and realized his shotgun was empty.

LEW1 heard about eight to ten gunshots and saw Mr. Rivera fall, but continue to hold onto his knife in his right hand.

Law Enforcement Witness Two (LEW2)

Law Enforcement Witness Two arrived on scene and saw USBP agents with their guns drawn and pointed at Mr. Rivera, who had a knife in his right hand. The agents had Rivera surrounded.

Mr. Rivera was in the middle of the street yelling at the USBP agents. Rivera was very agitated and yelling something LEW2 could not understand. Someone broadcasted on the police radio Rivera wanted somebody to shoot him or something like that. LEW2 estimated Rivera was about ten feet from the officers at this time. Rivera would jab and lunge toward the USBP agents and SDPD officers that stood around him. Due to Rivera's threats, LEW2 decided to fire a beanbag round at Rivera. LEW2 yelled a warning and then fired three rounds at Rivera. The rounds struck Rivera in the chest area. The beanbag impacts stopped Rivera from continuing forward, but he turned around and started running westbound on Tocayo Avenue.

Mr. Rivera never went to the ground and never released the knife despite multiple commands to do so. Several officers followed Rivera. Rivera ran in the immediate direction of LEW2. LEW2 stepped back from Rivera and fired two more beanbag rounds at him, but the beanbags did not stop him. Rivera continued running and LEW2 was out of beanbag cartridges. Another officer Tasered Rivera. Soon after, LEW2 heard gunshots, but did not see which of the officers fired. LEW2 saw Rivera on the ground with the knife still in his hand.

Law Enforcement Witness Three (LEW3)

LEW3 was partnered with his training officer, M. Martinez, and responded to a radio call of "a guy walking in the street, approaching cars while waving a knife around." LEW3 arrived on scene and saw USBP agents had Mr. Rivera at gunpoint and were yelling at him to drop the knife. Rivera refused to comply. LEW3 saw the knife in Rivera's hand.

After about 30 seconds, beanbags were deployed. The beanbag rounds appeared to make contact, but they had little, to no effect on Mr. Rivera's compliance. Rivera began running westbound maybe 40 to 50 feet and then stopped before returning toward LEW3. Another officer deployed his Taser at Rivera, but it may have missed because Rivera continued walking in the middle of the intersection.

Mr. Rivera turned back towards officers and made several thrusting, lunging movements with his body, while still holding the knife in his hand. LEW3 deployed his Taser, but it was ineffective. Then officers fired their handguns at Rivera. LEW3 knew Officer Martinez fired at Rivera, but LEW3 did not know who else fired. Rivera fell to the ground with the knife still in his hand.

Law Enforcement Witnesses Four through Seventeen (LEW4-17)

The majority of the law enforcement witnesses were comprised of USBP agents. They initially encountered Mr. Rivera and attempted to engage in a dialog to de-escalate Rivera's altered emotional state. The USBP agents saw Rivera was armed with a knife and told Rivera to drop it. Rivera replied he would not drop the knife. Many of the law enforcement witnesses said they heard Rivera continually order them to shoot him. They described Rivera as jabbing toward officers with his knife and attempting "suicide by cop. Rivera was making statements like, "Shoot me. Shoot me. Do it." Law Enforcement Witnesses Four through Seventeen corroborated the events as described by the civilian witnesses, as well as by Officers Martinez, Rodriguez, and Carter-Torres.

Civilian Witnesses

There were nine civilian witnesses interviewed for this incident. The majority of the witnesses were motorists viewing the events from their vehicles. Only Civilian Witness One witnessed the

actual shooting from the vantage point of his back yard. All other civilian witnesses saw and heard the events leading up to the shooting. Most of the witnesses heard the gunshots, but did not see the shooting event. Each civilian witness described Mr. Rivera's wielding the knife and his aggressive behavior toward the uniformed law enforcement officers. The civilian witnesses also corroborated the events as described by law enforcement.

Civilian Witness One (CW1)

Civilian Witness One heard sirens and a helicopter and realized police activity was occurring in his neighborhood. CW1 then heard a pop, but not like a gunshot. CW1 went to his back yard and saw the intersection of Tocayo and Hollister was full of USBP agents and SDPD Officers. CW1 saw Mr. Rivera in the intersection and he appeared to be surrounded by officers. Rivera was on his feet with his hands out at waist level. CW1 could not see anything in Rivera's hands. Rivera was running around in a circle. CW1 heard officers shouting, "Get down on the ground. Get down on the ground." That is when CW1 heard about twenty gunshots. CW1 saw the officers firing their pistols in a southerly direction on Hollister Street. Rivera was in the middle of the intersection. CW1 recorded portions of the incident on his cellphone. CW1 provided his cellphone to the Homicide detectives for their investigation. The cellphone camera did not capture the shooting incident.

Civilian Witnesses Two and Three (CW2 and CW3)

Civilian Witnesses Two and Three watched the law enforcement officers' interactions with Raul Rivera from the vantage point of their vehicle. Both witnesses saw Mr. Rivera in the middle of the crosswalk of Tocayo and Hollister Street. Rivera had a knife in his right hand and was running around the intersection. The witnesses saw two or three USBP agents trying to talk the male into dropping his knife. The male was yelling, "No. No." The USBP agents were backing away from the armed male as he advanced toward the agents. CW2 thought the armed male was on drugs.

SDPD officers arrived and tried to convince the man to drop his knife. The officers fired what CW3 assumed were BBs. The man did not fall. He just took the impacts and ran to the other side of the street, out from the view of CW2 and CW3. The officers followed the male. The witnesses view was being blocked by one of the USBP vehicles. The witnesses heard about ten to 15 rounds being fired.

Civilian Witnesses Four and Five (CW4 and CW5)

Civilian Witnesses Four and Five were in their vehicle when they saw Mr. Rivera approach their car holding a knife. Rivera appeared to be angry and looked into their vehicle. CW4 and CW5 were with their two small children and an older family member. CW5 was afraid and asked CW4 to drive through the red light to get away from Rivera. These witnesses drove to their nearby residence and left their children with their older family member.

CW4 and CW5 returned to the scene and saw Mr. Rivera was still there. CW5 called SDPD to report Rivera's frightening behavior. CW5 described Rivera's knife as having rigid teeth, like a "Rambo knife." Within a few moments, a USBP agent tried speaking with Rivera but Rivera would not drop his knife. Many more officers arrived shortly thereafter. The witnesses described Rivera being stunned by the Taser, but did not fall because he removed the barbs. They then heard the shooting, but did not see it because their vantage point was blocked by USBP vehicles.

Statement of Officer S. Rodriguez

Officer Rodriguez was partnered with his trainee, W. Carter-Torres. The two officers arrived at the radio call location and saw Mr. Rivera running around the intersection with several USBP agents and SDPD Officers around him. As Rivera began to run westbound, Rodriguez approached and heard several beanbag rounds being fired.

Mr. Rivera started running in Officer Rodriguez's direction. Rivera was armed with a knife in his right hand and he was holding it very tightly. At that point, Rivera quickly turned his head toward Rodriguez. Rodriguez armed himself with his Taser and deployed it. The Taser was ineffective. Rivera used his hands to pull away the wires. Officer Carter-Torres deployed his Taser almost simultaneously with Rodriguez. Rodriguez expected Rivera to react from the Taser deployment, but Rivera did not react. Rivera only made grunting noises.

Officer Rodriguez heard another beanbag deployment and saw it was ineffective—nothing was slowing Mr. Rivera down. Rivera continued holding his knife tightly in his right hand. Rivera then walked quickly toward Officer Martinez. Rodriguez believed Rivera was about to stab Martinez. Rodriguez fired approximately four rounds at Rivera. Rodriguez believed Martinez's life was in immediate danger.

Rivera fell to the ground. Rivera continued holding his knife. Officers ordered Rivera to drop his knife. Martinez told Rivera to drop the knife so they could provide him with medical care. A couple of seconds later, Rivera dropped the knife.

Statement of Officer W. Carter-Torres

Police Trainee W. Carter-Torres responded with Officer Rodriguez to a "hot call" that USBP agents had someone at gunpoint in the intersection of Hollister and Tocayo. The officers arrived and approached the intersection together. Carter-Torres heard beanbag rounds being deployed and realized those rounds were not stopping the suspect.

Officer Carter-Torres saw Mr. Rivera running towards them. Rivera was armed with a knife in his right hand. Carter-Torres saw other officers in the back drop chasing after Rivera. Carter-Torres realized the risk to the officers in his line of fire and decided to arm himself with his Taser. Carter-Torres deployed his Taser almost simultaneously with Officer Rodriguez. The Taser barbs struck Rivera in his abdomen. The Taser did not stop Rivera, who appeared big and strong. Rivera cut the wires from the Taser and just kept moving. Carter-Torres knew he was still in a crossfire situation with other officers and reloaded his Taser.

Mr. Rivera moved to another position, away from Officer Carter-Torres and the cross-fire hindrance was gone. Carter-Torres un-holstered his pistol. Rivera then started approaching Officer Martinez, who was standing next to Carter-Torres. Rivera had sprinted toward Martinez with his knife. Rivera was within ten feet of Martinez. Carter-Torres thought Martinez was going to be stabbed. Carter-Torres fired his pistol. Rivera fell to the ground and was taken into custody by other officers.

Statement of Officer M. Martinez

Field Training Officer M. Martinez was partnered with LEW3. Martinez heard a radio call of a male suspect swinging a knife towards oncoming vehicles at Tocayo and Hollister. Martinez also heard LEW5 broadcast USBP agents had the suspect at gunpoint.

Officer Martinez and LEW3 arrived on scene and saw Mr. Rivera with a knife in his right hand. Rivera was holding his knife pretty tight and was advancing on the USBP agents who had him at gunpoint. Martinez un-holstered his firearm because he saw Rivera was close enough to the agents to stab them. Martinez would have fired at Rivera then, but there were other USBP agents in the crossfire. The USBP agents were running back and forth retreating from Rivera each time he advanced toward them. Martinez re-holstered his pistol and un-holstered his Taser. Beanbag rounds were deployed, but Rivera quickly leaned forward, then turned and ran.

Officer Martinez chased after Mr. Rivera. Martinez could hear the sound of several other officers running behind them, trying to catch up. Martinez yelled for an officer armed with a lethal weapon to stand on Martinez's right side. Martinez felt Rivera was capable of stabbing him, so he wanted a lethal option to be nearby.

Officer Martinez pointed his Taser at Mr. Rivera and ordered Rivera to get on the ground. Rivera ignored Martinez. Martinez yelled, "Taser, Taser, Taser." Martinez then deployed his Taser but quickly realized he missed. Rivera made a U-turn and ran back to the area of the intersection. Martinez disconnected the Taser cartridge that missed, and tried to reload a new Taser cartridge while chasing after Rivera. Martinez was physically unable to conduct the Taser reload.

Officer Martinez re-holstered his Taser and un-holstered his pistol. Mr. Rivera took a fighting stance and advanced toward Martinez. Martinez was in fear for his life and thought he was about to be stabbed. Martinez took a couple of steps back and fired his pistol at Rivera. Rivera fell to the ground but would not immediately release his knife. Officers told Rivera to release the knife but he would not relent. Martinez told Rivera, "dude, drop the knife. We need to get you medical attention. Drop the knife." Rivera eventually started to go limp. Both of his arms went down and the officers advanced and took the knife away.

Investigation

San Diego Police reports, homicide investigators reports, audio-recorded interviews of witnesses, crime scene photographs, personal cellphone videos by a witness, SDPD ABLE helicopter video, and body worn camera video of Rivera's previous initial contact by SDPD, as well as recordings of the incident were reviewed for this investigation. All evidence was found to be consistent with the officers' statements and the statements of the civilian witnesses. Based upon the BWC and ABLE footage, Rivera held the knife throughout the confrontation with officers and made several movements in the direction of law enforcement officers.

Twenty-eight expended cartridge cases were noted to be near the middle of the intersection of Tocayo Avenue and Hollister Street. All cartridges appeared to be from 9mm ammunition. Because of their similar location and type, the cartridge cases were not separated into identifiable groups or patterns. The Firearms report indicated Officer Rodriguez could have fired four to six times. Officer Carter-Torres could have fired 12 to 14 times. Officer Martinez could have fired

eight to ten times. Multiple rounds struck Mr. Rivera. It was not determined which of the bullets recovered from Rivera at autopsy were fired by which officer.

Autopsy

On March 29, 2018 an autopsy was performed Mr. Rivera. The autopsy revealed 13 penetrating gunshot wounds to Rivera's torso, arms, and legs. The cause of death is listed as multiple gunshot wounds. Seven injuries were noted consistent with beanbag deployment. Injuries were present on the lower left abdomen and web of right hand, consistent with Taser deployment. A toxicology report indicated Rivera's blood tested positive for amphetamines, methamphetamines and cannabinoids.

Legal Analysis

This review was conducted pursuant to the joint protocol between this office and all San Diego law enforcement agencies calling upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm and to use reasonable force in making an arrest. California Penal Code section 835a allows an officer to use reasonable force to make an arrest and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance. Penal Code section 196 declares that homicide is justifiable when committed by public officers when necessarily committed in overcoming actual resistance in the discharge of any legal duty.

In accordance with Penal Code section 196, peace officers may use deadly force in the course of their duties under circumstances not available to members of the general public. We are mindful, however, that certain limits on the use of deadly force apply to peace officers. The U.S. Ninth Circuit Court of Appeals, in the case of *Scott v. Henrich* (9th Cir. 1994) 39 F.3d 912, delineated those circumstances under which deadly force may be used:

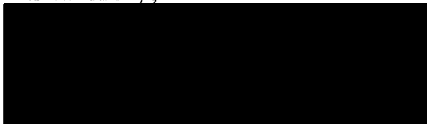
[P]olice may use only such force as is objectively reasonable under the circumstances. An officer's use of deadly force is reasonable only if 'the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.' All determinations of unreasonable force 'must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.'" [Citations omitted.]

Irrespective of any laws applicable to situations where peace officers use deadly force in accomplishing their duties, the law of self-defense is available to any person. Homicide is justifiable in accordance with Penal Code 197 when resisting any attempt by a person to commit great bodily injury on or kill any person.

Conclusion

In this case, law enforcement officers were confronted by an agitated subject who was armed with a knife and was under the influence of narcotics. Mr. Rivera urged officers to shoot him as he advanced toward them. The officers' attempts of verbal de-escalation and use of less lethal methods of subduing Rivera were unsuccessful. Rivera charged at Officer Martinez in such a threatening manner Martinez believed his life was in danger. Officers Carter-Torres and Rodriguez witnessed Rivera threaten Martinez with a knife and also reasonably feared for the safety of Martinez. Martinez fired at Rivera in his own defense and Carter-Torres and Rodriguez shot Rivera to prevent Rivera from injuring or killing Martinez. Based on these circumstances, the officers bear no criminal liability for their actions. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,



SUMMER STEPHAN
District Attorney

SS:gm
cc: A/Captain Adam T. Sharki
San Diego Police Department
Southern Division
1120 27th Street
San Diego, CA 92154

Captain Tom Underwood
San Diego Police Department
Homicide Division
1401 Broadway, Mail Station 713
San Diego, CA 92101

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

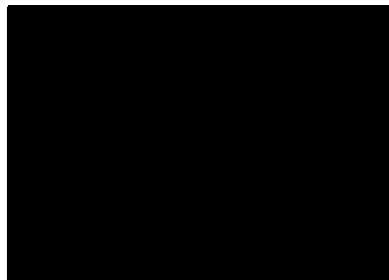
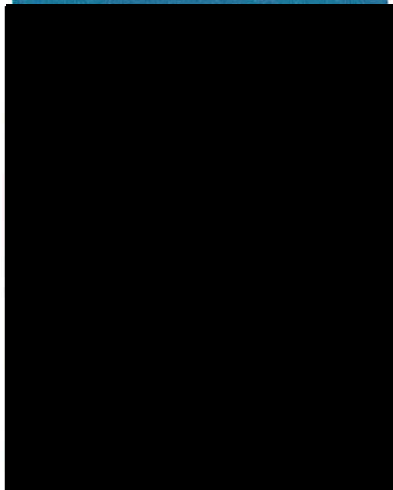
DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27, 2018, at approximately 2302 hours, I was informed an officer involved shooting that had just occurred. I directed other members of Homicide Team V to respond to the scene of the shooting, located at 2300 Tocayo Avenue.

I arrived on scene at approximately 0020 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. At 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

The briefing concluded at 0149 hours and the scene was turned over to Homicide Team V. Detective Kate ALLISION, Crime Scene Specialist Alyssa CARBONE and Criminalist Adam DUTRA began to identify evidence and process the scene.

On May 28, 2018, at 0945 hours, A/Lieutenant SHEBLOSKI and I contacted [REDACTED] and notified him of [REDACTED] death and the circumstances surrounding it. At the conclusion of the notification and interview, I provided him with my business card containing my contact information. I encouraged [REDACTED] to share my contact information with other family members.

On May 29, at 1402 hours, I returned a telephone call from [REDACTED]. Our conversation was not recorded but we spoke for more than an hour. During the call, [REDACTED] told me Raul, [REDACTED] and her all shared the same father, but Raul's mother was from a previous relationship. [REDACTED] told me Raul had an estranged brother named [REDACTED], and a sister who lived on the east coast named [REDACTED]. [REDACTED] believed [REDACTED] was potentially incarcerated and his whereabouts are unknown.

[REDACTED] also told me that Raul had a troubled childhood and suffered from "emotional pain", although to her knowledge he had never been diagnosed with a mental health illness. [REDACTED] told me [REDACTED] had been in and out of various custody settings and involved in the criminal justice system since he was thirteen years old.

[REDACTED] further told me that Raul's biological mother was diagnosed with mental retardation and had been committed to mental institutions throughout Raul's life. [REDACTED] said Raul had not spoken with his mother in over forty-one years. [REDACTED] believed Raul's mother lived in the New York City area and was either homeless, incarcerated, or committed to a mental hospital.

[REDACTED] told me Raul's birth certificate listed his name as, [REDACTED]" because Raul's mother failed to actually name him when the certificate was created.

During our conversation I communicated the circumstances of Raul's death to [REDACTED]. She concluded it was her opinion Raul was suffering from depression and did not want to go back to prison and that was the reason why he would have behaved the way he did before the shooting.

Investigator's Report

Witness: [REDACTED]

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[REDACTED] informed me that she [REDACTED] Border Patrol Agent assigned to the substation located blocks away from the shooting scene. She told me she spoke with [REDACTED] prior to calling me and he told her he was not present at the scene when the shooting occurred but worked with some of the Agents who were involved.

On June 8, 2018, I contacted [REDACTED] to inquire about the status of the family and ensure any questions she or the family had could be answered. [REDACTED] told me she did have questions and preferred to meet with me in person and we scheduled an appointment at S.D.P.D. Headquarters for Monday, June 11, at 0900 hours. Her primary issue was requesting my help in contacting the Medical Examiner's Office to help expedite the release of Raul's body to the family so they could plan and prepare for funeral services. I contacted Medical Examiner Supervising Investigator Julio ESTRADA over the weekend and was successful in having the Raul's remains returned to the family.

[REDACTED] became ill and called me Monday morning to tell me she would be unable to make our scheduled appointment. I told her contact me if she had additional questions or wanted to meet another time. [REDACTED] thanked me for assisting their family by working with the Medical Examiner's Office and as of the writing of this report, I have not had further contact with [REDACTED].

Reporting Detective Christopher Leahy

I.D. 5869

Homicide Team: V

Approved by:

A.Sgt. D. Burton 5268

Date of this report: 06-12-2018

Time: 1014 hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

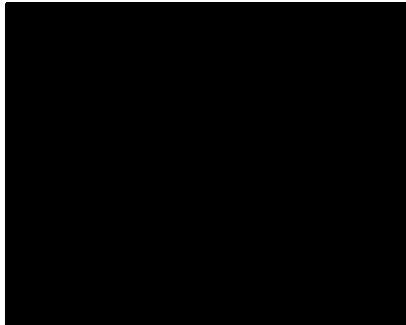
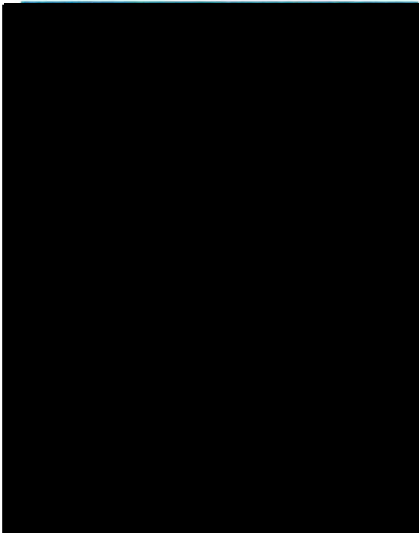
DATE (occurrence): May 27, 2018 (Sunday)

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Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
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Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27, 2018, at approximately 2302 hours, I was informed an officer involved shooting that had just occurred. I directed other members of Homicide Team V to respond to the scene of the shooting, located at 2300 Tocayo Avenue.

I arrived on scene at approximately 0020 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. At 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

Investigator's Report

Witness: [REDACTED]

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San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

The briefing concluded at 0149 hours and the scene was turned over to Homicide Team V. Detective Kate ALLISION, Crime Scene Specialist Alyssa CARBONE and Criminalist Adam DUTRA began to identify evidence and process the scene.

At 0230 hours, A/Lieutenant SHEBLOWSKI #5317 and I drove to RIVERA's address of record located at [REDACTED], in [REDACTED]. The purpose of visiting the home was to identify members of RIVERA's family and notify them of his death. After knocking on the door we encountered a highly intoxicated [REDACTED], who identified herself as RIVERA's ex-girlfriend.

We informed [REDACTED] of the circumstances resulting in RIVERA's death. [REDACTED] told us she believed RIVERA was residing with his brother [REDACTED] since their breakup a week and a half ago. [REDACTED] told us [REDACTED] lived near the [REDACTED] but she was unable to provide additional information beyond a phone number for [REDACTED] which was no longer operable. I provided [REDACTED] with my contact information and explained that it was our preference to personally notify RIVERA's family as soon as possible.

At approximately 0800 hours, I received a voicemail message from [REDACTED] neighbor, [REDACTED], who told me he had spoken with [REDACTED] and learned police were attempting to locate RIVERA's brother to notify him of Raul RIVERA's death. [REDACTED] told me he had previously driven RIVERA to his brother [REDACTED] home on prior occasions and believed the address where [REDACTED] resided was [REDACTED].

At 0945 hours, A/Lieutenant SHEBLOSKI and I drove to the trailer park in an attempt to locate [REDACTED]. I contacted a male, later identified as [REDACTED], as he sat inside of his parked vehicle outside of [REDACTED]. My interaction with [REDACTED] was captured on my digital recorder. I introduced myself to [REDACTED] and explained the reasons for our presence. [REDACTED] was polite and understanding, given the circumstances. [REDACTED] told the following to me based on questions asked of him.

My brother has had problems with the law in the past, including battles with drugs and alcohol abuse. I know my brother had addictions to marijuana and crystal methamphetamine.

To my knowledge Raul was sort of homeless since he broke up with his girlfriend recently. He was basically living with me the last week and a half sleeping on our couch. I know he was working but I don't really know where exactly he worked at. I know he was recently experiencing

Investigator's Report

Witness: [REDACTED]

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difficulty with his employer paying him for the hours he worked. I think he worked under the table but I don't really know what he did for work. I gave him a ride to L Street in Chula Vista the other day and dropped him off at work.

Raul had financial problems, drug and alcohol problems and lady problems. Yes, he had all kinds of problems. Raul has had a very difficult life. My father and Raul left New York many years ago and his mother sort of abandoned him when he was a small child.

The last time I saw Raul was last evening. In fact, Raul was acting very strange last night. I work graveyards at [REDACTED] and normally leave the house at around 2200 hours. I remember Raul had a knife in his possession last evening and I remember telling him to put the knife away before he hurts himself or someone else.

I told Raul he needed to put the knife away before he hurts himself, cuts himself or hurts somebody else. Raul refused to listen to me and kept saying, "I got to go. I got to go." I turned around and the next thing I know he was gone. He left the house on foot last I saw.

Last evening Raul was sitting on the couch where he has been sleeping and he was incessantly playing with this knife. That is when I told him to put that knife away because you are going to hurt yourself or somebody else because I don't want anybody to get hurt, but he wouldn't listen to me.

It is not common behavior and very weird that he was playing with this knife the way he was. I never heard Raul make any statements which caused me to believe he wanted to hurt himself. Raul just kept saying, "I got to go. I got to go" and the next thing I know he left the trailer. Raul never said where he needed to go. He was just acting very strange.

I told Raul to go to the emergency room because he was acting strange and I wasn't sure if he was having a mental breakdown or if the drugs and alcohol were impairing his judgement but I told him he needed to get help. Raul refused to listen to me.

I am unaware of Raul suffering from any prior mental health issues or suicide attempts. Never, nothing like that. I know he lived with that lady ([REDACTED]) for a long time and she would take care of him and sort of kept him on a short leash. I know Raul was doing well for many years but apparently he started using drugs again. His girlfriend is an alcoholic. She would consume an entire bottle of alcohol every night. They basically put up with each other's shit. She is a mean women to live with. I encouraged Raul to save up his money and get his own place away from her but he was content living in that volatile relationship.

The fact that Raul and his girlfriend broke up a week and a half ago is nothing significant. They were hot and cold all the time. They would break up and she would let him back in. Raul would act right for a little while and then when he would start acting up again she would kick him out again.

Investigator's Report

Witness: [REDACTED]

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I tried explaining to Raul that since he was living under her roof, he needed to follow her rules. I told Raul that if she tells him to stop the shit he needed to stop the shit. I told him not to make her mad but Raul refused to listen.

Our father died almost five years ago. He died in February almost five years ago. I know Raul struggled with trying to build a relationship with his only true sister from his mother's side of the family but she lives in New York and they have not spoken in many years. I am Raul's half-brother. We share the same father and he was not a good dad to any of us.

I know Raul was trying for a long time to make contact with her but he has been unable to establish any contact. Raul was always talking about her and saying how he wanted to move back to the east coast and contact her. I believe she resides in [REDACTED] now.

I dropped Raul off at work Saturday morning. Saturday evening Raul never came home until last evening (*Sunday*) at around 1800 hours. I didn't observe Raul acting odd initially, however as it got later into the evening as I was preparing to leave for work, Raul began acting strangely.

Beginning at around 2100 hours, Raul started acting up. I told Raul he was scaring the hell out of the people living here and I encouraged him to seek some help. I told him to go to the emergency room and tell them he was having some problems. I told him he needed to do something but first of all he needed to put that knife away. Raul would not listen to me.

I do not recall specifically what Raul was saying last night that caused everyone to become uncomfortable because he mumbles a lot. I couldn't understand what the hell he was saying because he was mumbling under his breath. I couldn't figure out what the hell his problem was, plus I was running late for work.

I was under the impression that Raul had been under the influence of drugs for a while and this was simply an adverse reaction to the drugs. It was hard to tell, but I remember he had a strange look on his face. My roommates were telling me that Raul was continuously playing with this knife in his hands by opening and closing it. It looked like a folding knife but it was a rather large knife, not a basic folding knife. It looked like a big knife to me.

Raul was constantly playing with the knife, continuously opening and closing it. Everyone in the trailer was watching him. My roommates were telling me they felt uncomfortable with Raul's behavior. After they expressed their concerns to me I came out and told Raul these are my friends, I live here, you are acting strange, go get some help. Raul didn't want to listen. He just kept telling me he needed to go. Raul was not listening to me last night. Normally he listens to me, but for some reason he refused to listen. He was acting very odd last evening. Raul was not acting like himself.

I have never seen the knife Raul had in his possession last night before in my life. I have no idea where Raul got the knife either. Last night was the first time I had ever seen the knife before. I have never seen Raul with a knife in his possession at all. The only reason I can think of for carrying a knife is if you want to hurt somebody or you are in fear of somebody, maybe for protection.

Investigator's Report

Witness: [REDACTED]

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Based on what you are explaining to me, it sounds like the easiest thing for Raul to have done was to drop the knife. It would have saved his life.

Raul made no mention to me about any recent police contacts he had.

At this point in the interview I asked [REDACTED] for permission to search Raul's belongings which may have been left inside of the trailer. [REDACTED] consented and escorted me into his home. [REDACTED] then directed me to the couch located in the living room. Next to the couch were two plastic garbage bags containing Raul's clothing. A cell phone was left on the living room table adjacent to the couch. [REDACTED] identified this cellular phone as Raul's. [REDACTED] seemed surprised his brother would have left his cellular phone behind when he left the home.

Next to this phone on the table were two empty gray colored plastic cannabis containers. [REDACTED] identified these items as being associated to the drugs RIVERA was abusing. I collected both empty containers.

An additional cellular phone was found on a table top to the right-hand side of the couch. [REDACTED] and the other resident of the home, [REDACTED], said the cellular phone did not belong to anyone else inside the home and allowed me to collect the cellular phones and Raul RIVERA's belongings.

While collecting the belongings from inside the home [REDACTED] and I continued talking. [REDACTED] introduced me to his roommate, [REDACTED], who was inside the home. During this time, [REDACTED] told me RIVERA was acting strangely last evening and made him feel uncomfortable. [REDACTED] told me he remembered RIVERA being seated on the couch last evening playing with the knife in his hands. [REDACTED] told me he asked RIVERA several times to put the knife away but he wouldn't respond to him and continued manipulating the knife while seated on the couch. [REDACTED] said RIVERA was walking around the home with the knife in his hands acting paranoid and mumbling. [REDACTED] told me he was present inside the home when [REDACTED] confronted his brother and told him to put the knife down or get out of the house. [REDACTED] said RIVERA left the home a while later.

[REDACTED] said his brother RIVERA often mumbles when he speaks, but last evening he was even more difficult to understand because he was mumbling so much. Also, [REDACTED] told me his brother was acting very paranoid last evening. [REDACTED] went on to say that his brother's behavior was very odd last night because he was staring off into nowhere and his facial expression and demeanor were as if he was in a "Daze" and RIVERA had a "Crazy" look on his face.

As I walked out of the home and placed the items I collected into my vehicle, [REDACTED] told me his brother had been acting paranoid about the police recently. [REDACTED] told me each time a siren could be heard off in the distance his brother would tell [REDACTED] that the police were after him. [REDACTED] told me he tried explaining to his brother the sirens in the distance could be coming from a firetruck or an ambulance. [REDACTED] said RIVERA was convinced the sirens were the police searching for him. [REDACTED] told me he asked RIVERA if he had committed a crime, otherwise, why would the police be searching for you. [REDACTED] said his brother has been out of prison for several years so this behavior was odd to him.

-Interview concluded

Reporting Detective Christopher Leahy

I.D. 5869

Homicide Team: V

Approved by: A/Sgt. D. Buwan 5668

Date of this report: 06-06-2018

Time: 1233 hours

Leahy, Christopher

From: Leahy, Christopher
Sent: Friday, June 08, 2018 8:10 AM
To: Leahy, Christopher
Subject: Fwd: Raul Rivera
Attachments: image002.jpg; image003.jpg; image004.jpg; image001.jpg; image005.jpg; image006.jpg

Sent from Christopher Leahy's iPhone

Begin forwarded message:

From: "Leahy, Christopher" [REDACTED] >
Date: May 30, 2018 at 06:30:01 PDT
To: [REDACTED] >
Subject: Re: Raul Rivera

You can always call / email me if you need anything.

Sent from Christopher Leahy's iPhone

On May 30, 2018, at 02:19, [REDACTED] > wrote:

Many thanks to everyone concerned. I really appreciate everything every Officer has done to help me during my moments in crisis. Thank you Mr. Leahy for taking time from your busy schedule to stop by to inform me. Your kind words helped to calm me as I began to realize and accept what actually happened to my brother Raul. Without your help I would have never known what had happened to my brother.

Best regards,

[REDACTED]

[REDACTED]

NOTICE TO RECIPIENT: If you are not the intended recipient of this E-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this E-mail in error, please notify the sender immediately by reply E-mail

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **ROLLINS, Christopher**
US Border Patrol- Imperial Beach Station
1802 Saturn Blvd
San Diego, Ca, 92154
[REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, Sergeant S. SHEBLOSKI #5317 informed Homicide Unit Team 1 that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0045 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident.

During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife standing in the street 2300 Tocayo Avenue acting in a threatening manner.

San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers. San Diego Police officers deployed less lethal force options such as bean bags and the Taser in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and reportedly ineffective.

RIVERA reportedly continued to act in a threatening manner and charged towards Officer M. MARTINEZ while still armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W.

CARTER TORRES, and S. RODRIGUEZ. RIVERA was impacted by gunfire and dropped to the ground. Officers assessed RIVERA's injuries and rendered aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at 0200 hours, Homicide Team 1 left the crime scene and travel to the Imperial Beach Border Patrol Station for the purpose of conducting interviews of agents who witnessed RIVERA's behavior and the subsequent shooting. Once at the station, I met with Agent Scott PAIR. On May 28th, 2018, at 0342 hours, I spoke with Agent Christopher ROLLINS and conducted an interview. Present for the interview was San Diego Police Homicide Detective Andrea Taylor #6399. The interview was audio-recorded. The following is a summary of his statement:

Statement of Agent Christopher ROLLINS- USBP:

I work for the United States Border Patrol. I have been employed by the Border Patrol for 16 years. My border patrol academy graduation was September 11th, 2001. My current assignment is the Imperial Beach station. My assignment tonight was the dispatcher for Imperial Beach.

I noted that ROLLINS was wearing an olive-drab colored uniform. The uniform had United States Border Patrol patches affixed to the shoulders. The uniform shirt had a cloth Border Patrol badge on the front, and the name "ROLLINS" printed in bright yellow also on the front. Both law enforcement symbols were unobstructed and in plain view on his chest.

I am not normally a dispatcher, it is just one of the duties that we have to do and tonight just happened to be the night I was dispatcher for Imperial Beach station.

I was made aware of the incident tonight by a radio transmission about a man who was reportedly armed with a knife at Hollister and Tocayo. That radio transmission was made at 2253 hours, by Agent Eugene O'Neil, who was assigned Unit I-216. Agent O'Neil's transmission was made with, "great urgency." I could tell based on the tone of Agent O'Neil's transmission this was a significant incident and I immediately got on the phone and called 9-1-1 to ensue San Diego Police Department was made aware of the incident. I made that incident a "restricted channel" on our radio frequency and hit an alert button which sounds out a beep that lets other users know the channel is restricted; and only transmissions from this incident are to be sent out.

I spoke to a dispatcher with SDPD who told me they had previously been made aware of the incident and informed me that SDPD officers were responding. I heard a transmission by Agent Leslie Pino, Unit I-038, which he broadcasted at 2302 hours. Agent Pino stated in the transmission that SDPD officers were on-scene and the suspect was running westbound on Tocayo Ave. At 2303 hours Agent O'Neil broadcasted shots had been fired and the subject was down. An unknown agent then broadcasted an update indicating that no Border Patrol Agents fired their weapons, and the shooting officers were members of the San Diego Police Department. At that point I cleared the channel for normal operations.

Investigator's Report

Witness: ROLLINS, Chris USBP

Case #18-001350/ 18-001351

Page 3

All of our audio is stored for 30 days. Our front office phone number is [REDACTED] and the dispatcher is [REDACTED] I would go through those numbers to obtain our radio transmissions from this incident.


I completed the interview at approximately 0349 hours, and provided ROLLINS with my business card.

Because ROLLINS was not physically at the incident I did not document his appearance with a photo.

Reporting Detective Mike Weaver

I.D. 6153

Homicide Team: 1

Approved by:  #5869

Date of this report: 05-29-2018

Time: 1200

SAN DIEGO POLICE DEPARTMENT
HOMICIDE SCENE ROSTER/SUMMARY REPORT

Location: HOLLISTER ST /
TOCAYO AVE. Date: 05-27-18 Time: 22:52:22 Beat: 722

INCIDENT NUMBER: 18050043895

Suspect(s): RIVERA, RAUL LUIS Victim(s): N/A

Sgt./Lt.: T. BRYAN ID 5301 Scribe: G. BRANTLEY ID#: 7084

SERGEANT'S CHECK LIST

1. / SCENE CONTAINMENT, PROTECT EVIDENCE. TIME PERIMETER ESTABLISHED 2324 HRS.
2. / INSURE SCENE IS LARGE ENOUGH (CONSIDER ESCAPE ROUTE OF SUSPECT).
3. / NEIGHBORHOOD CHECK.
4. / IDENTIFY, ISOLATE AND INTERVIEW ALL WITNESSES.
5. / DOCUMENT WITNESS SEARCH.
6. / ATTEMPT TO IDENTIFY THE SUSPECT.
7. / BROADCAST ALL UNITS IF NECESSARY.
8. / CONDUCT A FOLLOW UP INVESTIGATION WHENEVER POSSIBLE.
9. / RECORD ALL LICENSE PLATES IN SCENE AREA.
10. / PREPARE A LIST OF KEY WITNESSES TO DISCUSS DURING HOMICIDE BRIEFING.
11. / REVIEW AND APPROVE ALL REPORTS FROM PATROL OFFICERS AT SCENE (HEADING ON REPORTS).
12. / COMPLETE THE HOMICIDE ROSTER REPORT FORM.

UNIT RESPONSE AND ASSIGNMENT

1ST OFFICER/UNITS ON SCENE:

1. <u>ADAMS</u>	ID# <u>5384</u>	2. <u>RODRIGUEZ</u>	ID# <u>6941</u>
3. <u>MENDOZA</u>	ID# <u>5555</u>	4. <u>CARTER - TORRES</u>	ID# <u>7709</u>

OFFICER'S ENTERING SCENE:

1. _____	ID# _____	2. _____	ID# _____
3. _____	ID# _____	4. _____	ID# _____
5. _____	ID# _____	6. _____	ID# _____

OFFICER'S AT SCENE:

	NAME	ID#	UNIT #	ARJIS 9	ASSIGNMENT
1.	<u>TELLO</u>	<u>7109</u>	<u>72572</u>		<u>WITNESS STATEMENT</u>
2.	<u>BERTON</u>	<u>7654</u>	<u>72253</u>		<u>OBTAIN US BP INFO.</u>
3.	<u>SCUTH</u>	<u>7039</u>	<u>72453</u>		<u>WITNESS STATEMENT</u>
4.	<u>MUNIZ</u>	<u>7483</u>	<u>712K3</u>		<u>* INVOLVED</u>
5.	<u>MARTINEZ</u>	<u>7591</u>	<u>712K3</u>		<u>* INVOLVED</u>
6.	<u>MENDOZA</u>	<u>5555</u>	<u>72472</u>		<u>* INVOLVED</u>
7.	<u>COCHRAN</u>	<u>5106</u>	<u>72172</u>		<u>WITNESS STATEMENT</u>
8.	<u>CASTELLANOS</u>	<u>7329</u>	<u>72342</u>		<u>* INVOLVED</u>
9.	<u>ADAMS</u>	<u>5384</u>	<u>72553</u>		<u>* INVOLVED</u>
10.	<u>GONZALEZ</u>	<u>7514</u>	<u>71272</u>		<u>WITNESS STATEMENT</u>
11.	<u>HALLIOS</u>	<u>7635</u>	<u>71272</u>		<u>WITNESS STATEMENT</u>
12.	<u>POWERS</u>	<u>5418</u>	<u>71372</u>		<u>WITNESS STATEMENT</u>
13.	<u>HERNANDEZ</u>	<u>6588</u>	<u>72153</u>		<u>WITNESS STATEMENT</u>
14.	<u>VERDURCO</u>	<u>7409</u>	<u>71353</u>		<u>* INVOLVED</u>
15.	<u>DIAZ</u>	<u>7288</u>	<u>72272</u>		<u>PERIMETER</u>

SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER 18050043895	CASE NUMBER 18016572
PAGE 1 of 1	

VICTIM / WITNESS											
W		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT OTHER STRNG		VW ASSIST N		
CONTACT CELL PHONE [REDACTED]											
STATUS		EMPLOYER (RANK IF MILITARY)		BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

REPORTING OFFICER MATTHEW HERKELMAN	I.D. # 7292	DIVISION S1	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 11:43
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CONTINUED FROM CRIME
CODE SECTION AND DESCRIPTION ZZ / 920000 / DEATH
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV
Body Camera: Body Camera Evidence Collected

SAN DIEGO REGIONAL OFFICER'S REPORT

PAGE 1 of 1	INCIDENT NUMBER 18050043895
DATE 05/27/2018	CASE NUMBER 18016572
DAY OF WEEK Sunday	TIME 22:52
CITY SAN DIEGO	BEAT 722

NARRATIVE:

On 05/28/2018 at 0600 hours, I responded to 1700 Hollister Street to take over the northern perimeter position. I relieved the unit that was at the location and redirected all southbound traffic on Hollister St.

While I was on the perimeter, [REDACTED] approached me from her home at [REDACTED] [REDACTED] gave me the following statement.

Statement of [REDACTED] (Witness):

[REDACTED] told me that she saw part of the shooting at the intersection of Tocayo Avenue and Hollister Street. [REDACTED] was inside of her home last night. She heard what sounded like arguing in the street. She thought it might be a fight in the street. [REDACTED] exited her house and saw a white truck stopped in the intersection facing south on Hollister St. [REDACTED] saw several Border Patrol agents and SDPD officers trying to calm a male down. The male was acting very agitated and was "running around" in the street. [REDACTED] saw the male run away from the officers from the center of the intersection toward the southeast corner of the intersection. [REDACTED] heard what she believed to be a taser but she is unsure. The male turned around and ran toward the officers. As the male ran toward the officers, [REDACTED] said she heard shooting and the male fell on the ground. [REDACTED] told me she heard possibly three to four gunshots.

[REDACTED] could not clearly see the male to give a description. All she could see was that the male was wearing a yellow shirt and had a medium build.

While [REDACTED] was standing in front of her residence after the shooting, a friend, [REDACTED], arrived in a vehicle. [REDACTED] told [REDACTED] that he saw a male hitting vehicles and carrying a knife along Tocayo Ave. [REDACTED] does not know [REDACTED] phone number or exact address. [REDACTED] stated that [REDACTED] lives on [REDACTED] Avenue. [REDACTED] described it as the second house from Hollister St. on the north side of the road.

[REDACTED] showed me where she was standing during the shooting, which was where her driveway meets Hollister Street.

After speaking with [REDACTED] I held the perimeter until the scene was cleared.

Approved by: Sgt. Ellsworth #6576

REPORTING OFFICER MATTHEW HERKELMAN	I.D. # 7292	DIVISION S1	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 09:59
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☒ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

EVENT# 18050043895

CASE# 18016672

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

PAGE

1 OF 1

CASE NUMBER

18602576

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

05

DAY

28

YEAR

2018

DAY OF WEEK

MONDAY

TIME

0540

LOCATION OF INCIDENT (OR ADDRESS)

HOLLISTER STREET/TOCAYO AVENUE

CITY

SAN DIEGO

BEAT

721

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER STATEMENT:

ON 05-28-18, AT 0540 HOURS, I WAS INSTRUCTED TO RELIEVE OFFICER R. BERTON JR #7654, AT HOLLISTER STREET/TOCAYO AVENUE FOR WEST SIDE PERIMETER. I ARRIVED ON SCENE AND I RELIEVED HIM. AT 1103 HOURS, I WAS INSTRUCTED TO BREAKDOWN PERIMETER AND TAKE DOWN YELLOW POLICE TAPE.

REPORTING OFFICER

I.D. #

7488

DIVISION

SOUTHERN

APPROVED BY:

Sgt. E/bwo

DATE OF REPORT:

MONTH

05

DAY

28

YEAR

2018

TIME

1141

☒ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

EVENT

18050043895

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

PAGE

1 OF 2

CASE NUMBER

18016572

CC. SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

05

DAY

27

YEAR

18

DAY OF WEEK

SUN

TIME

2252

LOCATION OF INCIDENT (OR ADDRESS)

CITY

SAN DIEGO

BEAT

722

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER'S STATEMENT

ON 05/28/18, AT APPROXIMATELY 0600 HOURS, I RESPONDED TO HOLLISTER ST. AND TOCAYO AVE. TO RELIEVE OFFICER WONG #5690 (24503) ON HIS PERIMETER POST. OFFICER WONG WAS STANDING ON THE SOUTH PERIMETER OF AN OFFICER INVOLVED SHOOTING THAT HAD TAKEN PLACE ON 05/27/18 AT APPROXIMATELY 2300 HOURS. I STOOD AT THE SOUTH PERIMETER UNTIL 0925 HOURS.

AFTERWARDS I IMPOUNDED A US BORDER PATROL VEHICLE THAT WAS INVOLVED IN THE OFFICER INVOLVED SHOOTING FOR EVIDENTIARY PURPOSES. THE BORDER PATROL VEHICLE (US GOV PLATE # [REDACTED]) WAS TOWED TO THE NORTHWESTERN DIVISION SUBSTATION AND PLACED IN STORAGE BIN #3. THE VEHICLE WAS IMPOUNDED UNDER 22655.5(b) EVIDENCE HOLD.

SEE MY VEHICLE IMPOUND REPORT.

REPORTING OFFICER	I.D. #	DIVISION	APPROVED BY:	MONTH	DAY	YEAR	TIME
M. RODRIGUEZ	7672	S1	Sgt E. Knott	05	28	2018	1120

SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER 18050043895	CASE NUMBER
PAGE 1 of 1	

VICTIM / WITNESS											
W		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO STRNG	SUSPECT	V/W ASSIST N	
CONTACT CELL PHONE [REDACTED]											
CONTACT HOME EMAIL [REDACTED]											
ID [REDACTED]											
STATUS [REDACTED]	EMPLOYER (RANK IF MILITARY) [REDACTED]			BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

REPORTING OFFICER CARLOS HERNANDEZ	I.D. # 6588	DIVISION S3	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 03:50
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CONTINUED FROM CRIME		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 05/27/2018	DAY OF WEEK Sunday	CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
SUSPECT (IF NAMED) Rivera, Raul Luis					
Body Camera: No Body Camera Evidence Collected					

Officer Statement/Origin:

On 05-27-18 at about 2319 hours, I responded to Tocayo Ave and Hollister St to assist with an officer involved shooting investigation. I arrived on the east most perimeter at about 2332 hours. I put up additional crime scene tape to block access to Tocayo Avenue, west of Oro Vista Road. At about 0000 hours, I responded to that primary scene with an emergency blanket and gave it to Officer Verduzco #7409. I then spoke with key witness [REDACTED] and took her statement.

Statement of [REDACTED] (witness):

[REDACTED] told me that she was being dropped off at the Job Corps campus by her mother. [REDACTED] said that when they arrived at the intersection of Tocayo (Ave) and Hollister (St) she saw a Border Patrol van stopped in the intersection. [REDACTED] told me that she saw a Border Patrol Agent standing near the front left tire of the van with his gun out. The Border Patrol Agent motioned with his hand for them to stay back. [REDACTED] told me that there was a car stopped behind her car but then it left. [REDACTED] said that she and her mother did not know if they could make a U-turn and decided to stay put.

[REDACTED] stated that she noticed a male in the middle of the street holding a knife. [REDACTED] said that it was the same male that was shot. [REDACTED] told me that the knife appeared to be a pocket knife or similar but she could not see it very well. [REDACTED] told me that she heard the Border Patrol Agents shouting the male to put the knife down. [REDACTED] heard the male shout back, "No!" [REDACTED] said that they were going back and forth. She said that the Border Patrol Agent told the male to put the knife down at least three times and each time the male refused. [REDACTED] stated that she believed the male was going to stab the Border Patrol Agents.

[REDACTED] then saw several San Diego Police officers arrive. [REDACTED] said that it all happened so quickly that she doesn't recall much of what happened. [REDACTED] told me that she did however hear about 12 gun shots and then she saw the male that had the knife was down on the ground.

After completing [REDACTED] statement, I relieved Officer Diaz #7288 from his traffic post at Tocayo Avenue and Oro vista Rd at about 0244 hours. I was relieved of my post by Officer Johnson #5485 at about 0550 hours.

Approved by: A/SGT K. Adams #5384

REPORTING OFFICER CARLOS HERNANDEZ	I.D. # 6588	DIVISION S3	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 02:25
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SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER

18050043895

PAGE

1 of 1

CASE NUMBER

VICTIM / WITNESS

W	BP DC	W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)						
RESIDENCE ADDRESS			CITY			STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT	VW ASSIST	
								N	
CONTACT									
CELL PHONE									
ID									
STATUS		EMPLOYER (RANK IF MILITARY)		BUSINESS ADDRESS		CITY		STATE ZIP	
ADDITIONAL INFORMATION									

VICTIM / WITNESS

W	BP DC	W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)						
RESIDENCE ADDRESS			CITY			STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT	VW ASSIST	
								N	
CONTACT									
CELL PHONE									
ID									
STATUS		EMPLOYER (RANK IF MILITARY)		BUSINESS ADDRESS		CITY		STATE ZIP	
ADDITIONAL INFORMATION									

VICTIM / WITNESS

W	BP DC	W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)						
RESIDENCE ADDRESS			CITY			STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT	VW ASSIST	
					Y	SPANISH		N	
CONTACT									
CELL PHONE									
ID									
STATUS		EMPLOYER (RANK IF MILITARY)		BUSINESS ADDRESS		CITY		STATE ZIP	
ADDITIONAL INFORMATION									

VICTIM / WITNESS VEHICLE

YEAR	MAKE	MODEL	COLOR/COLOR	BODY TYPE	LICENSE NO.	STATE
ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)				VIN	DISPOSITION OF VEHICLE	

REPORTING OFFICER JOHN COCHRAN	I.D. # 5106	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 00:17
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(Revised 09/2013 Electronic)

SAN DIEGO REGIONAL OFFICER'S REPORT			INCIDENT NUMBER 18050043895		
			PAGE 1 of 2		
CODE SECTION AND DESCRIPTION PC / 196 / JUSTIFIABLE HOMICIDE		DATE 05/27/2018	DAY OF WEEK Sunday	TIME 22:52	
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
SUSPECT (IF NAMED) Rivera, Raul Luis					
Body Camera: Body Camera Evidence Collected					

ORIGIN:

On 05/27/18 at approximately 2300 hours, I responded to a person brandishing a weapon at Hollister Street/Tocayo Ave, in the City of San Diego, California.

INVESTIGATION:

When I arrived on scene, I parked my patrol vehicle in the 1800 block of Hollister Street. Medics and fire were already on scene, rendering medical aid to the suspect, as he laid in the middle of the intersection of Hollister Street and Tocayo Ave.

I assisted at the scene of the shooting by writing down all the vehicles license plates number parked on 1800 Hollister Street. I document the following vehicles plates:

I walked southbound on 1800 Hollister Street. I saw several vehicles parked in the middle of the street on 2300 Tocayo Ave, just east of Hollister Street. I walked eastbound on 2300 Tocayo Ave and contacted three people sitting inside vehicle [REDACTED]. The vehicle was facing westbound towards Hollister Street. I contacted and spoke to three people in the vehicle. I identified the driver [REDACTED] by using his [REDACTED]. [REDACTED] only spoke Spanish. I eventually had Officer Gonzalez interview [REDACTED] review the arjis-9 prepared by Officer Gonzalez for details.

A female was sitting on the front passenger's side seat. I identified her as [REDACTED]. I used her [REDACTED] to verify her identity. I interviewed [REDACTED] and obtained her statement. Their son [REDACTED] was sitting on the back seat of the vehicle. I interviewed him and obtained his statement. I asked the [REDACTED] family if they could stay at the scene and speak with detectives from Homicide but [REDACTED] told me she could not stay at the scene any longer. I told her a Homicide detective might contact her tonight and she told me she could be contacted on her cellular telephone or home.

STATEMENTS:

Statement of [REDACTED], (Witness):

Review the arjis-9 prepared by Officer Gonzalez ID #7414 for further details

REPORTING OFFICER JOHN COCHRAN	I.D. # 5106	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 00:16
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SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER 18050043895	PAGE 1 of 1
CASE NUMBER	

VICTIM / WITNESS											
W		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT UNK	STRNG	VW ASSIST N		
CONTACT CELL PHONE [REDACTED]											
ID [REDACTED]											
STATUS [REDACTED]		EMPLOYER (RANK IF MILITARY) [REDACTED]		BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

VICTIM / WITNESS											
W		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT UNK	STRNG	VW ASSIST N		
CONTACT CELL PHONE [REDACTED]											
ID [REDACTED]											
STATUS EMP		EMPLOYER (RANK IF MILITARY) Border Patrol Border Patrol Agent		BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

REPORTING OFFICER ANTHONY TELLO	I.D. # 7109	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 03:33
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 05/27/2018	DAY OF WEEK Sunday	CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
Body Camera: No Body Camera Evidence Collected					

On 05-27-2018, at about 2324 hours, I volunteered to assist in a report of a person with a knife located at Hollister Street and Tocayo Avenue. While enroute to the location ABLE-3 reported shots fired at the scene. I arrived at the location and per ABLE-3 request I posted west of the critical incident at 2300 Tocayo Avenue to set a perimeter and assist in securing the scene. I checked the area and located two witness the first male I spoke to identified as [REDACTED] I asked [REDACTED] to explain to me what had occurred and he essentially told me the following and I paraphrased.

STATEMENT OF [REDACTED] (WITNESS):

I was coming from a family member's house with my wife and kids. While I was waiting at a red light on Tocayo Avenue and Hollister Street I see a male walking towards my vehicle with a knife. Luckily the light turned green and I drove away. I dropped my kids and wife at home and I contacted my brother in law [REDACTED] on his cellular phone to tell him what I witnessed. I returned to the location and I drove past the male again and flagged down a Border Patrol Officer to let him know about the male with the knife. I saw the male walking up to other vehicles it appeared he was trying to challenge them. Shortly afterwards I see the border patrol officers talking to him I tried to stay away because I did not want to get hurt.

[REDACTED] ended his statement. I spoke with the second witnessed identified as [REDACTED] and I asked him to explain me what he had witnessed and he essentially told me the following and I paraphrased.

STATEMENT OF [REDACTED] (WITNESS):

My brother in law [REDACTED] called me to let me know that he saw a male with a knife walk up to his vehicle trying to challenge him. I arrived at 2300 Tocayo Avenue and I see Border Patrol agent and San Diego Police Officers talking to the male with the knife. The male kept swinging his knife at the officers and would lunge at them with the knife. All the officers were telling the subject "Drop the knife" but he was not complying. Shortly afterwards I heard the shots being fired.

[REDACTED] ended his statement. I remained at 2300 Tocayo Avenue until relieved by Officer Berton #7654.

Approved by: A/Sgt. T. Bryan #5301

REPORTING OFFICER ANTHONY TELLO	I.D. # 7109	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 02:45
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SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

	INCIDENT NUMBER 18050043895
PAGE 1 of 2	CASE NUMBER

VICTIM / WITNESS											
		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	V/W ASSIST N			
CONTACT CELL PHONE [REDACTED]											
ID [REDACTED]											
STATUS		EMPLOYER (RANK IF MILITARY)		BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

VICTIM / WITNESS VEHICLE							
YEAR [REDACTED]	MAKE [REDACTED]	MODEL [REDACTED]	COLOR/COLOR [REDACTED]	BODY TYPE [REDACTED]	LICENSE NO. [REDACTED]	STATE [REDACTED]	
ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)				VIN	DISPOSITION OF VEHICLE		

VICTIM / WITNESS											
		W TYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]								
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]				STATE [REDACTED]		ZIP [REDACTED]		
RACE [REDACTED]	SEX [REDACTED]	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT STRNG	V/W ASSIST N			
CONTACT CELL PHONE [REDACTED]											
CONTACT HOME PHONE [REDACTED]											
CONTACT HOME EMAIL [REDACTED]											
ID [REDACTED]											
STATUS		EMPLOYER (RANK IF MILITARY)		BUSINESS ADDRESS			CITY		STATE		ZIP
ADDITIONAL INFORMATION											

VICTIM / WITNESS VEHICLE							
YEAR [REDACTED]	MAKE [REDACTED]	MODEL [REDACTED]	COLOR/COLOR [REDACTED]	BODY TYPE [REDACTED]	LICENSE NO. [REDACTED]	STATE [REDACTED]	
ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)				VIN	DISPOSITION OF VEHICLE		

REPORTING OFFICER YIANNI HALLIOS	I.D. # 7635	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 04:07
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VICTIM / WITNESS									
W		W TYPE	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)						
		06							
RESIDENCE ADDRESS					CITY		STATE		ZIP
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM	RELATION TO SUSPECT	VW ASSIST
								STRNG	N
CONTACT									
CELL PHONE									
CONTACT									
HOME EMAIL									
ID									
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY	STATE	ZIP
ADDITIONAL INFORMATION									

OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				CASE NUMBER 00000000	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 05/27/2018	DAY OF WEEK Sunday	TIME 22:52	
LOCATION OF INCIDENT (OR ADDRESS) 2200 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
SUSPECT (IF NAMED) Rivera, Raul Luis					
Body Camera: Body Camera Evidence Collected					

OFFICER'S STATEMENT:

On 05-27-18, at approximately 2302 hours, while on patrol in full uniform and in a marked patrol vehicle, Officer Gonzalez (#7514) and I responded to assist on a disturbing the peace with a weapon call at the intersection of Hollister Street and Tocayo Avenue, San Diego, CA 92154.

Officer Gonzalez and I arrived on scene, and I assisted in setting up a perimeter. I set crime scene tape on the north and east sides of the intersection of Hollister Street and Tocayo Avenue. After assisting in setting a perimeter, I assisted in conducting a witness check.

I contacted [REDACTED], who was sitting in his vehicle [REDACTED] on Tocayo Avenue just east of the intersection with Hollister Street. [REDACTED] stated he did not witness anything that had occurred. I collected [REDACTED] contact information.

I contacted two other males, who were also sitting in a vehicle [REDACTED] on Tocayo Avenue just east of the intersection with Hollister Street. The driver, and registered owner, of the vehicle was [REDACTED] and the passenger was [REDACTED]. Both [REDACTED] and [REDACTED] had witnessed the incident. I asked [REDACTED] to exit the vehicle, and I obtained a statement from [REDACTED].

STATEMENT:

Paraphrased statement of [REDACTED] (witness):

[REDACTED] essentially stated the following:

On 05-27-18, [REDACTED] was not sure of the time, [REDACTED] and [REDACTED] were traveling westbound on Tocayo Avenue towards Hollister Street. As they approached the intersection, [REDACTED] said he saw police vehicles with emergency lights on. [REDACTED] stopped the vehicle. [REDACTED] said he heard officers yelling "Get down," and "Stop." [REDACTED] saw a male subject just north of the intersection of Tocayo Avenue and Hollister Street in the crosswalk. [REDACTED] said the male subject appeared aggressive, and the male lunged at officers. After the male appeared to have lunged towards officers, [REDACTED] said he heard three to four shotgun rounds. [REDACTED] said he believed the rounds were beanbag rounds, because he is familiar with firearms and the male subject continued walking after being shot. After the shotgun rounds were fired, [REDACTED] said the male subject started walking towards the west side of the intersection of Tocayo Avenue and Hollister Street. [REDACTED] said the officers tried to approach the male subject, and the male subject turned and squared up on the officers. [REDACTED] stated the male subject had his arms slightly extended out to his side and was flexing. [REDACTED] said he believed the male subject was under the influence of something.

REPORTING OFFICER YIANNI HALLIOS	I.D. # 7635	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 00:50
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SAN DIEGO REGIONAL
OFFICER'S REPORT

█████ turned towards █████, to see if they could back up the vehicle and leave. As █████ turned his head away, █████ said he heard 12 to 15 gun shots. █████ said he looked forward again, and he saw officers cautiously approach the male subject, who was lying on the ground. █████ said medics arrived shortly after and started cardiopulmonary resuscitation. After medics arrived, █████ said his view was obstructed.

█████ described the subject as a Hispanic male, early 30's, 6'0" to 6'2" tall, approximately 230 pounds, with dark hair and some dark facial hair. █████ said the male was wearing a gray shirt and light blue jeans or jean shorts. █████ did not see the male holding any weapons.

█████ sat back in the vehicle again, and I asked █████ to step out. I obtained a statement from █████

Paraphrased statement of █████ (witness):

█████ essentially stated the following:

On 05-27-18, at approximately 2300 hours, █████ said he was driving westbound on Tocayo Avenue, towards Hollister Street, with █████. █████ said as they approached the intersection with Hollister Street, █████ saw two lines of police vehicles with emergency lights on. █████ stopped his vehicle, and he observed officers standing in the northeast corner of the intersection of Tocayo Avenue and Hollister Street. █████ said he heard the officers yelling, but he could not make out what they were saying. █████ stated he saw a male subject standing in front of officers. █████ said the male subject appeared aggressive. The male subject had his hands up in a fighting stance. █████ stated he could not see any weapons, but █████ said he was watching from a distance. There was a Border Patrol van in the northeast corner of the intersection. █████ said the officers followed the male subject around to the west side of the Border Patrol van, and █████ view of the officers was obstructed by the van. After the officers moved to the other side of the Border Patrol van, █████ heard three to four "popping" sounds. █████ stated the male subject walked out from behind the Border Patrol van, heading southbound on Hollister Street. █████ said the male subject stopped in the center of the intersection and took an aggressive stance. █████ said it appeared as though the male subject was going to charge towards the officers. █████ said he then heard approximately 10 gun shots, and the male subject dropped to the ground. █████ stated the officers approached the male subject and rolled him over from his back onto his side. █████ said medics arrived soon after and started cardiopulmonary resuscitation.

█████ described the subject as a Hispanic male in his mid-30's, 6'0" to 6'2" tall, approximately 200 pounds, muscular to heavy build, short hair, and clean shaven. █████ said the male subject was wearing a dark hat, gray shirt, and light blue jeans.

CONTINUED FROM
OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL
OFFICER'S REPORT

PAGE
3 of 3

INCIDENT NUMBER
18050043895

CASE NUMBER
00000000

After obtaining both statements, I escorted both [REDACTED] and [REDACTED] out of their vehicle and out of the scene. I provided my witness information to A/Sergeant Bryan (#5301).

[REDACTED]

Approved By: A/Sgt. T. Bryan #5301

REPORTING OFFICER YIANNI HALLIOS	I.D. # 7635	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 00:50
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(Revised 09/2013 Electronic)

OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				CASE NUMBER 00000000	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 05/27/2018	DAY OF WEEK Sunday	TIME 23:00	
LOCATION OF INCIDENT (OR ADDRESS) 2400 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
Body Camera: No Body Camera Evidence Collected					

OFFICER'S STATEMENT:

On 05-27-18, at about 2302 hours, I responded to the intersection of Tocayo Avenue and Hollister Street in the City of San Diego to assist with the apprehension of a male running around with a knife. I responded in a full police uniform and in a marked police car. Prior to my arrival, Airborne Law Enforcement police helicopter (ABLE) notified through radio communication shots were fired and that the male with the knife was down. Prior to my arrival, I was designated to secure the east perimeter of the scene. I shut down all traffic (pedestrian and vehicle traffic) at Oro Vista Road and Tocayo Avenue. Officer Hernandez #6588 relieved me from my post at about 0245 hours.

Approved By: A/Sgt. Bryan #5301.

REPORTING OFFICER FRANCISCO DIAZ	I.D. # 7288	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 03:00
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☐ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER _____

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

				PAGE 1 OF 1		CASE NUMBER			
SECTION AND DESCRIPTION (ONE INCIDENT ONLY)				MONTH 05	DAY 27	YEAR 18	DAY OF WEEK SUNDAY	TIME 2252	
LOCATION OF INCIDENT (OR ADDRESS) TUCAYO AVE / HOLLISTER ST				CITY SAN DIEGO				BEAT 722	DISTRICT
PERSON(S) INVOLVED: VICTIM				SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)		

ON 05/27/18, AT ABOUT 2302 HOURS, OFFICER HALLIUS #7635 AND I RESPONDED TO TUCAYO AVE / HOLLISTER STREET TO ASSIST SOUTHERN PATROL OFFICERS AND BORDER PATROL AGENTS WITH A MALE WALKING AROUND WITH A KNIFE.

AT ABOUT 2305 HOURS, WE ARRIVED ON SCENE. I ASSISTED WITH TAPING THE INTERSECTION WITH CAUTION TAPE TO FORM A PERIMETER. I LATER MET WITH A MALE DRIVER, WHO TOLD ME HE WAS PRESENT WHEN THE INCIDENT OCCURRED. I OBTAINED HIS STATEMENT.

PARAPHRASED STATEMENT OF [REDACTED] (SPANISH SPEAKER)

RESIDENCE: [REDACTED]

I WAS DRIVING HOME, WEST BOUND ON TUCAYO AVE ABOUT TO MAKE A RIGHT TURN ONTO HOLLISTER ST. APPROACHING THE INTERSECTION, I SAW A MALE STANDING IN THE MIDDLE OF INTERSECTION, FACING TWO WHITE BORDER PATROL VANS. A BORDER PATROL AGENT HAD THE MALE AT GUN POINT. MALE WAS YELLING, BUT I DON'T UNDERSTAND ENGLISH. HE HAD A KNIFE IN HIS HAND, ABOUT 5 INCHES BIG. THE MALE WAS NOT LISTENING TO ANY COMMANDS. SDPD SHOWED UP AS WELL. MALE BEGAN TO WALK TOWARDS BORDER PATROL AGENTS WITH THE KNIFE IN HIS HAND, LIKE IF HE WAS GOING TO ATTACK. I THEN SAW SEVERAL BORDER PATROL AGENTS AND POLICE, AND HEARD SHOTS, BUT THEY DIDN'T SOUND LIKE GUNSHOTS. THE MALE RAN OUT OF MY VIEW. I HEARD GUNSHOTS.

REPORTING OFFICER GONZALEZ	I.D. # 7514	DIVISION S	APPROVED BY: A/SGT. T. BRYAN 5301	DATE OF REPORT:	MONTH 05	DAY 28	YEAR 18	TIME 0325
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☐ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

PAGE

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CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

05

DAY

27

YEAR

18

DAY OF WEEK

SUNDAY

TIME

22:52

LOCATION OF INCIDENT (OR ADDRESS)

TORAYO AVE / HOLLISTER STREET

CITY

SAN DIEGO

BEAT

722

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

I LATER MET WITH A SEPARATE WITNESS WHO'S [REDACTED] FACES THE
INTERSECTION WHERE INCIDENT OCCURRED. I OBTAINED HER STATEMENT.

PARAPHRASED STATEMENT OF [REDACTED]

RESIDENCE [REDACTED]

I RAN TO [REDACTED] FROM ALL THE YELLING I HEARD. I SAW THE
MALE STANDING IN THE INTERSECTION, NEAR A TRUCK. HE WAS
YELLING, "LEAVE MIB ALONE." I SAW ABOUT FIVE BORDER PATROL
AGENTS AND FIVE SDPD OFFICERS SURROUNDING HIM. HE TOOK
OUT A POCKET KNIFE FROM HIS PANT POCKET AND HELD IT
WITH HIS LEFT HAND, POINTING IT AT THE UNITS. BORDER
PATROL AND SDPD BACKED UP AWAY FROM HIM. HE THEN
FLINCHED THE KNIFE FORWARD IN A "JAB" MOTION TOWARDS
THE OFFICERS, IN A THREATFUL MANNER. OFFICERS HAD THE RIGHT
TO SHOOT AT THAT POINT. HE KEPT YELLING TO STAY AWAY FROM
HIM. HE RAN W/B ON TORAYO, AND THEN I SAW UNITS FIRE THE
BEAN BAG AT HIM AND TASERS. I HEARD THE IMPACT OF BEAN
BAG. HE RAN BACK E/B TO INTERSECTION. SDPD HAD YELLED
"BEAN BAG" A FEW TIMES. BORDER PATROL SCATTERED ALL OVER
HE STILL HELD THE KNIFE. I HEARD THE GUN FIRE.

AFTER MY STATEMENTS, I STOOD POST ON THE SOUTH PERIMETER -

REPORTING OFFICER

GONZALEZ

I.D. #

7014

DIVISION

S

APPROVED BY:

A/SGT. T. Bryson 5301

DATE OF REPORT:

MONTH

05

DAY

28

YEAR

18

TIME

0325

☐ OFFICER'S REPORT ONLY
CONTINUED: ☐ ARR./JUV.CON.
FROM ☐ CRIME
☐ OTHER

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

18050043895

PAGE 1 OF 2		CASE NUMBER				
SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH 5	DAY 27	YEAR 18	DAY OF WEEK SUN	TIME
LOCATION OF INCIDENT (OR ADDRESS) HOLLISTER ST AND TOCAYO		CITY		BEAT 722		DISTRICT
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)		PROPERTY TAG NO. (S)		

OFFICER'S STATEMENT:

ON 5.27.18 I RESPONDED TO A MALE WITH A KNIFE CALL AT HOLLISTER ST AND TOCAYO AVENUE. I WAS DRIVING WESTBOUND ON TOCAYO AVE APPROACHING HOLLISTER. AS I WAS SLOWING DOWN I HEARD 6-8 SHOTS. I WAS UNABLE TO SEE WHAT HAPPENED DUE TO THE OTHER PATROL CARS ONSCENE. OFFICER G. BRANTLEY #7084 AND I BLOCKED EAST AND WEST TRAFFIC LANES ON TOCAYO AV EAST OF HOLLISTER STREET. OFFICER G. BRANTLEY AND I PUT CRIME SCENE TAPE ACROSS TOCAYO AV EAST OF HOLLISTER ST. I MAINTAINED THE OUTER EAST PERIMETER ON TOCAYO AV. UNTIL I WAS RELIEVED AT 0245 HOURS.

I WAS DIRECTED TO TAKE A WITNESS STATEMENT FROM A MALE ON HOLLISTER ST SOUTH OF TOCAYO AVENUE. I IDENTIFIED THE MALE AS [REDACTED]

LIVES AT [REDACTED]. [REDACTED] TOLD ME HE WITNESSED THE INCIDENT AND TOOK ABOUT 20 SECONDS OF VIDEO FROM HIS BACK YARD.

STATEMENT OF [REDACTED]

[REDACTED] SAID HE WAS IN HIS HOUSE WHEN HE HEARD SIRENS AND THEN MORE SIRENS. [REDACTED] SAID HE WENT INTO HIS BACKYARD AND HE HEARD A POP AND SOMEONE SAY HE WAS BEING BAGGED AND TAGGED. [REDACTED] SAID HE SAW A BULB OVERHEAD AND AT LEAST 20 PLUS GUNSHOTS AND THE

REPORTING OFFICER J. POWERS	I.D. # 5418	DIVISION 8-2	APPROVED BY: A/SGT. T. BRYAN 5361	DATE OF REPORT:	MONTH 5	DAY 28	YEAR 18	TIME 0030
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**SAN DIEGO REGIONAL
FIELD INTERVIEW REPORT 4889565**

AGENCY SDPD	DATE 05-27-18	TIME	INCIDENT NUMBER 18050043895
LOCATION OF INTERVIEW HOLLISTER ST / TOCAYO AVE			
NAME (LAST NAME FIRST) MARTINEZ, FRANCISCO S.			
NICKNAME / AKA BORDER PATROL			
RESIDENCE ADDRESS (CITY / STATE)			
SOC. SEC. NO.			
RACE H	SEX M	HAIR BLK	EYES BRN
HT. 6'4"	WT. 170		

FACE	<input type="checkbox"/> MSTCH	<input type="checkbox"/> BEARD	<input type="checkbox"/> GOATEE	COMPLEX	<input type="checkbox"/> LIGHT	<input type="checkbox"/> DARK	<input type="checkbox"/> ACNE
BUILD	<input type="checkbox"/> THIN	<input type="checkbox"/> HEAVY	<input type="checkbox"/> MSCLR		<input type="checkbox"/> GLASSES		

PHYSICAL ODDITIES (SCARS, TATTOOS, ETC.)

CLOTHING WORN

V	YEAR	MAKE	MODEL	COLOR	TYPE
E					
H					

COMPANION 1 (LAST NAME FIRST)

RACE	SEX	D.O.B.	HAIR	EYES	HT.	WT.

COMPANION 2 (LAST NAME FIRST)

RACE	SEX	D.O.B.	HAIR	EYES	HT.	WT.

CRIME POTENTIAL O/S	REMARKS (REASON FOR CONTACT)
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FRONT		(VEHICLE INFO)		REAR	
<input type="checkbox"/> RIGHT DAMAGE	<input type="checkbox"/> LEFT DAMAGE	<input type="checkbox"/> RIGHT DAMAGE	<input type="checkbox"/> LEFT DAMAGE	<input type="checkbox"/> RIGHT DAMAGE	<input type="checkbox"/> LEFT DAMAGE
<input type="checkbox"/> LOWERED	<input type="checkbox"/> RAISED	<input type="checkbox"/> LOWERED	<input type="checkbox"/> RAISED	<input type="checkbox"/> LOWERED	<input type="checkbox"/> RAISED
<input type="checkbox"/> RUST PRIMER	<input type="checkbox"/> CUST WHEELS	<input type="checkbox"/> VINYL TOP	<input type="checkbox"/> DECAL/EMBL	<input type="checkbox"/> RUST PRIMER	<input type="checkbox"/> CUST WHEELS
<input type="checkbox"/> UNQ EXT	<input type="checkbox"/> UNQ INT	<input type="checkbox"/> COLOR VAR/CUST	<input type="checkbox"/> INT COLOR	<input type="checkbox"/> UNQ EXT	<input type="checkbox"/> UNQ INT

OFFICER(S) BERTON	I.D. NO.(S) 7654	BEAT OF OCCURRENCE 722
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ARJIS-1 (REV. 02-14)

DATA CONTROLS BUSINESS FORMS (858) 541-0630

T171291 (08/14)

**SAN DIEGO REGIONAL
FIELD INTERVIEW REPORT 4889566**

AGENCY SDPD	DATE 05-27-18	TIME	INCIDENT NUMBER 18050043895
LOCATION OF INTERVIEW HOLLISTER ST / TOCAYO AVE			
NAME (LAST NAME FIRST) PALFOX, ALEXANDER			
NICKNAME / AKA BORDER PATROL			
RESIDENCE ADDRESS (CITY / STATE)			
SOC. SEC. NO.			
RACE H	SEX M	HAIR BLK	EYES BRN
HT. 6'4"	WT. 175		

FACE	<input type="checkbox"/> MSTCH	<input type="checkbox"/> BEARD	<input type="checkbox"/> GOATEE	COMPLEX	<input type="checkbox"/> LIGHT	<input type="checkbox"/> DARK	<input type="checkbox"/> ACNE
BUILD	<input type="checkbox"/> THIN	<input type="checkbox"/> HEAVY	<input type="checkbox"/> MSCLR		<input type="checkbox"/> GLASSES		

PHYSICAL ODDITIES (SCARS, TATTOOS, ETC.)

CLOTHING WORN

V	YEAR	MAKE	MODEL	COLOR	TYPE
E					
H					

COMPANION 1 (LAST NAME FIRST)

RACE	SEX	D.O.B.	HAIR	EYES	HT.	WT.

COMPANION 2 (LAST NAME FIRST)

RACE	SEX	D.O.B.	HAIR	EYES	HT.	WT.

CRIME POTENTIAL O/S	REMARKS (REASON FOR CONTACT)
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FRONT		(VEHICLE INFO)		REAR	
<input type="checkbox"/> RIGHT DAMAGE	<input type="checkbox"/> LEFT DAMAGE	<input type="checkbox"/> RIGHT DAMAGE	<input type="checkbox"/> LEFT DAMAGE	<input type="checkbox"/> RIGHT DAMAGE	<input type="checkbox"/> LEFT DAMAGE
<input type="checkbox"/> LOWERED	<input type="checkbox"/> RAISED	<input type="checkbox"/> LOWERED	<input type="checkbox"/> RAISED	<input type="checkbox"/> LOWERED	<input type="checkbox"/> RAISED
<input type="checkbox"/> RUST PRIMER	<input type="checkbox"/> CUST WHEELS	<input type="checkbox"/> VINYL TOP	<input type="checkbox"/> DECAL/EMBL	<input type="checkbox"/> RUST PRIMER	<input type="checkbox"/> CUST WHEELS
<input type="checkbox"/> UNQ EXT	<input type="checkbox"/> UNQ INT	<input type="checkbox"/> COLOR VAR/CUST	<input type="checkbox"/> INT COLOR	<input type="checkbox"/> UNQ EXT	<input type="checkbox"/> UNQ INT

OFFICER(S) BERTON	I.D. NO.(S) 7654	BEAT OF OCCURRENCE 722
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ARJIS-1 (REV. 02-14)

DATA CONTROLS BUSINESS FORMS (858) 541-0630

T171291 (08/14)

SAN DIEGO REGIONAL
FIELD INTERVIEW REPORT 4889567

AGENCY SDPD DATE 05-27-18 TIME INCIDENT NUMBER 18050043895

LOCATION OF INTERVIEW
HOLLISTER ST / TOCAYO AVE

NAME (LAST NAME FIRST)
SHOOK, LEO PATRICK

NICKNAME / AKA
BORDER PATROL

RACE SEX HAIR EYES HT. WT.

BUILD ☐ THIN ☐ HEAVY ☐ MSCLR ☐ GLASSES

PHYSICAL ODDITIES (SCARS, TATTOOS, ETC.)

CLOTHING WORN VEH. LIC. NO. / STATE

V YEAR MAKE MODEL COLOR TYPE

COMPANION 1 (LAST NAME FIRST)

RACE SEX D.O.B. HAIR EYES HT. WT.

COMPANION 2 (LAST NAME FIRST)

RACE SEX D.O.B. HAIR EYES HT. WT.

CRIME POTENTIAL 015 REMARKS (REASON FOR CONTACT)

FRONT (VEHICLE INFO) REAR
☐ RIGHT DAMAGE ☐ LEFT DAMAGE ☐ RIGHT DAMAGE ☐ LEFT DAMAGE ☐
☐ LOWERED ☐ RAISED ☐ LOWERED ☐ RAISED ☐
☐ RUST PRIMER ☐ CUST WHEELS VINYL TOP ☐ DECAL/EMBL ☐
☐ UNQ EXT ☐ UNQ INT COLOR VAR/CUST ☐ INT COLOR ☐

OFFICER(S) BERTON I.D. NO.(S) 7654 BEAT OF OCCURRENCE 722

RJIS-1 (REV. 02-14)

DATA CONTROLS BUSINESS FORMS (858) 541-0630

T171291 (08/14)

SAN DIEGO REGIONAL
FIELD INTERVIEW REPORT 4889564

AGENCY SDPD DATE 05-27-18 TIME INCIDENT NUMBER 18050043895

LOCATION OF INTERVIEW
HOLLISTER ST / TOCAYO AVE

NAME (LAST NAME FIRST)
ONEILL, EUGENE THOMAS III

NICKNAME / AKA
BORDER PATROL

RACE SEX HAIR EYES HT. WT.

BUILD ☐ THIN ☐ HEAVY ☐ MSCLR ☐ GLASSES
FACE ☐ MUSTCH ☐ BEARD ☐ GOATEE COMPLEX ☐ LIGHT ☐ DARK ☐ ACNE
BUILD ☐ THIN ☐ HEAVY ☐ MSCLR ☐ GLASSES

PHYSICAL ODDITIES (SCARS, TATTOOS, ETC.)

CLOTHING WORN VEH. LIC. NO. / STATE

V YEAR MAKE MODEL COLOR TYPE

COMPANION 1 (LAST NAME FIRST)

RACE SEX D.O.B. HAIR EYES HT. WT.

COMPANION 2 (LAST NAME FIRST)

RACE SEX D.O.B. HAIR EYES HT. WT.

CRIME POTENTIAL 015 REMARKS (REASON FOR CONTACT)

FIRST ON SCENE

FRONT (VEHICLE INFO) REAR
☐ RIGHT DAMAGE ☐ LEFT DAMAGE ☐ RIGHT DAMAGE ☐ LEFT DAMAGE ☐
☐ LOWERED ☐ RAISED ☐ LOWERED ☐ RAISED ☐
☐ RUST PRIMER ☐ CUST WHEELS VINYL TOP ☐ DECAL/EMBL ☐
☐ UNQ EXT ☐ UNQ INT COLOR VAR/CUST ☐ INT COLOR ☐

OFFICER(S) BERTON I.D. NO.(S) 7654 BEAT OF OCCURRENCE 722

ARJIS-1 (REV. 02-14)

DATA CONTROLS BUSINESS FORMS (858) 541-0630

T171291 (08/14)

OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 05/27/2018	DAY OF WEEK Sunday	CASE NUMBER 00000000	
LOCATION OF INCIDENT (OR ADDRESS) 2200 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
SUSPECT (IF NAMED) RIVERA, RAUL					
Body Camera: Body Camera Evidence Collected					

OFFICER'S NARRATIVE:

On 05/28/2018, at approximately 2250 hours, I responded to a report of a suspect causing a disturbance with a knife at the intersection of Hollister Street and Tocayo Avenue. I wore a full police uniform and drove a marked police vehicle.

Once on scene I saw that responding officers were tending to the suspect, who was laying on the ground. Shortly after, Engine 30 and Medic 30 arrived and began to provide the suspect medical assistance. The suspect, Raul Rivera, was pronounced dead on scene shortly after.

Afterwards, A/Sergeant Adams #5384 instructed me to contact Border Patrol Agents who were on scene and obtain their contact information if they were witnesses to the incident. I obtained the personal information of the following Border Patrol agents and wrote them on Field Report Interview sheets which I provided to investigate units:

ONEILL, EUGENE	BORDER PATROL
SHOOK, LEO	BORDER PATROL
PALAFOX, ALEXANDER	BORDER PATROL
MARTINEZ, FRANCISCO	BORDER PATROL

After obtaining contact information of Border Patrol agents who were witnesses to the incident, I stood guard over the crime scene to preserve evidence at the intersection of Hollister Street and Tocayo Avenue. At Approximately 0010 hours on 05/28/2018, I was directed to guard the scene perimeter on 2200 Tocayo Avenue. I was relieved by first watch Officer Rueda #7488 at 0605 hours.

Approved by: A/SGT K. Adams #5384

REPORTING OFFICER RUBEN BERTON JR.	I.D. # 7654	DIVISION S3	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 03:28
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OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				PAGE 1 of 3	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153		DATE 05/27/2018	DAY OF WEEK Sunday	CASE NUMBER 18000000	
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
SUSPECT (IF NAMED) Rivera, Raul Luis					
Body Camera: Body Camera Evidence Collected					

NARRATIVE:

On 05/27/2018, I was on duty in the city and county of San Diego. I was wearing a full police uniform and operating a marked San Diego Police. At approximately 2301 hours, I responded to a dispatch radio call that was generated at 2252 hours. The nature of the call was regarding a male subject (later identified as **Raul Luis RIVERA**) walking in the middle of the intersection of Hollister Street and Tocayo Avenue, displaying a knife in a disturbing manner. While I was in route, the event escalated into RIVERA exhibiting aggressive and non-compliant behavior towards police and United States Border Patrol (USBP) agents.

I arrived on scene with Officer J. Powers (#5418). We approached from approximately one-half block east from the intersection with Hollister Street. I observed several police vehicles running idle with their overhead lights still flashing. As I exited my vehicle, I heard incomprehensible yelling (presumed to be officers yelling commands), followed by several gunshots. Despite hearing the gunshots, I did not observe the shooting event itself.

After hearing the gunshots, Officer Powers and I immediately erected yellow 'police caution' tape to secure the half block radius east of Hollister Street on Tocayo Avenue.

When the event was confirmed as an Officer involved shooting, I was assigned with the task of *Scribe Duties*. I documented the following on the *SDPD Homicide Scene Roster / Summary Report* (PD-187-HO form):

- 1) Location
- 2) Date
- 3) Time
- 4) Beat
- 5) Incident Number
- 6) Suspect
- 7) Sergeant / Incident Commander
- 8) Unit Response and Assignment
- 9) Officers at Scene

In addition to documenting the above listed, I obtained the information of the responding medics.

- 1) Engine 30
 - a) John Liscum (#JL4724)
 - b) Joseph Unruh (#JU)
 - c) Michael Culver (#MC4363)

REPORTING OFFICER GENE BRANTLEY	I.D. # 7084	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 04:54
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SAN DIEGO REGIONAL
OFFICER'S REPORT

- d) Tremayne Broughton (#TB4579)
- 2) Paramedic Unit 30
- a) EMT Christopher Caldwell (#CC4425)
- b) EMT Robert Sole (#RS5763)

I remained on scene, at the command post, until I was properly relieved by Officer P. South (#7039).

After the completion of my involvement of the investigation, I compiled all the pertinent documents and reports from all the officers on scene. I would later transfer the packet containing all the said documents to Homicide Unit.

BACKGROUND INFORMATION:

On 05/26/2018 at approximately 1447 hours, I responded to a dispatch radio call of a concerned citizen (*reporting party*: [REDACTED]) reporting, she witnessed a male on the Palm Avenue bridge / overpass, looking down on the below traffic of Interstate 5. The reporting party assumed the male was contemplating suicide by jumping from the bridge, onto the freeway. She further elaborated, the male had been pacing the location since 1000 hours.

The description of the male via the call notes was described as: *White male, age 40's, 5'6", medium build. Wearing a black baseball cap, black jacket, and light jeans.*

I arrived on scene with Officers E. Gonzalez (#7514) and Y. Hallios (#7635). I observed the described male, sitting down with his legs crossed on the center median. (I later positively identified the male as **Raul Luis RIVERA**). RIVERA's clothing was baggy. In my training and experience, subjects donning baggy clothing have the ability to conceal potential weapons. I advised RIVERA to stand up. He immediately stated, "*I didn't do anything*" in a concerned manner. I explained to him, I was checking his welfare. RIVERA complied. I conducted a cursory pat down for safety. I felt, what I believed in my training and experience was a folding knife in his right pant pocket. I removed the object, and confirmed it was a folding knife. I handed the knife to Officer Hallios. (The knife remained in Officer Hallios' possession until the conclusion of the contact, and was subsequently returned to RIVERA)

While confirming RIVERA's record and identity at my police vehicle, Officer Hallios was speaking to RIVERA. I overheard RIVERA emphasize to Officer Hallios, he was "*going through hard times*" due to a recent passing of a family member. Additionally, RIVERA indicated he lost his home and is

CONTINUED FROM
OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL
OFFICER'S REPORT

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INCIDENT NUMBER
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homeless. RIVERA also added, he used to be a construction worker, and recently lost his job due to an injury.

After confirming RIVERA's information, I inquired if RIVERA was feeling suicidal and/or desires to harm others. He elaborated he was "*fine*". Additionally during my contact with RIVERA, there was no indication or objective symptoms he was under the influence. After concluding my contact with RIVERA, I safely guided him back to the sidewalk, and released him without further incident.

The event with RIVERA was captured on my Body-Worn Camera (Event #: **E18050041672**) and documented on Field Interview #: **4855392**.

Approved by: A/SGT K. Adams #5384

REPORTING OFFICER GENE BRANTLEY	I.D. # 7084	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 04:54
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(Revised 09/2013 Electronic)

**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

☒ OFFICER'S REPORT ONLY

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER _____

E18050043895

PAGE 1 OF 2	CASE NUMBER
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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)	MONTH 05	DAY 27	YEAR 18	DAY OF WEEK SUN	TIME 2252
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LOCATION OF INCIDENT (OR ADDRESS) HOLLISTER STREET / TOCAYO AVE.	CITY SAN DIEGO	BEAT 722	DISTRICT
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PERSON(S) INVOLVED: VICTIM	SUSPECT (IF NAMED)	PROPERTY TAG NO. (S)
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OFFICER STATEMENT ONLY:

ON 05/28/2018, AT 0255 HOURS, I RESPONDED TO HOLLISTER STREET AND TOCAYO AVENUE TO RELIEVE 71222 ON THEIR POST. I ARRIVED AT 0310 HOURS AND REMAIN AT THE SCENE UNTIL 0608 HRS. I DID NOT ALLOW ANYONE TO ENTER THE CRIME SCENE.

REPORTING OFFICER WONG	I.D. # 5690	DIVISION NE3	APPROVED BY:	DATE OF REPORT:	MONTH	DAY	YEAR	TIME
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SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

	INCIDENT NUMBER 18050043895
PAGE 1 of 2	CASE NUMBER 00000000

VICTIM / WITNESS									
W		W TYPE 16	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) Pair, Scott						
RESIDENCE ADDRESS			CITY				STATE		ZIP
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO SUSPECT STRNG	VW ASSIST N
CONTACT CELL PHONE [REDACTED]									
ID UC I243									
STATUS EMP		EMPLOYER (RANK IF MILITARY) USBP Agent		BUSINESS ADDRESS 1802 SATURN(SB) (SB) BL		CITY SAN DIEGO	STATE CA		ZIP 92154
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
W		W TYPE 16	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) Hernandez, Julian						
RESIDENCE ADDRESS			CITY				STATE		ZIP
RACE H	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO SUSPECT STRNG	VW ASSIST N
CONTACT CELL PHONE [REDACTED]									
ID UC I186									
STATUS EMP		EMPLOYER (RANK IF MILITARY) USBP Agent		BUSINESS ADDRESS 1802 SATURN(SB) (SB) BL		CITY SAN DIEGO	STATE CA		ZIP 92154
ADDITIONAL INFORMATION									

VICTIM / WITNESS									
W		W TYPE 16	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) Paniagua, David						
RESIDENCE ADDRESS			CITY				STATE		ZIP
RACE H	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO SUSPECT STRNG	VW ASSIST N
CONTACT CELL PHONE [REDACTED]									
ID UC I136									
STATUS EMP		EMPLOYER (RANK IF MILITARY) USBP Agent		BUSINESS ADDRESS 1802 SATURN(SB) (SB) BL		CITY SAN DIEGO	STATE CA		ZIP 92154
ADDITIONAL INFORMATION									

REPORTING OFFICER PAUL SOUTH	I.D. # 7039	DIVISION S3	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 04:35
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VICTIM / WITNESS										
W		W TYPE		NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION)						
		06								
RESIDENCE ADDRESS				CITY			STATE		ZIP	
RACE	SEX	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO SUSPECT STRNG	VW ASSIST N	
CONTACT										
CELL PHONE										
CONTACT										
HOME EMAIL										
ID										
STATUS	EMPLOYER (RANK IF MILITARY)			BUSINESS ADDRESS			CITY		STATE	ZIP
ADDITIONAL INFORMATION										

☐ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

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CASE NUMBER

18050043895

C SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

5

DAY

27

YEAR

2018

DAY OF WEEK

SUN

TIME

2252

LOCATION OF INCIDENT (OR ADDRESS)

HOLLISTER ST / TOCAYO AV

CITY

SAN DIEGO

BEAT

722

DISTRICT

PERSON(S) INVOLVED: VICTIM

RAUL RIVERA

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER'S STATEMENT:

ON 5-27-2018 AT 2304 HOURS, I ASSISTED IN A RADIO CALL REGARDING A MALE SUBJECT ARMED WITH A KNIFE AT THE INTERSECTION OF HOLLISTER STREET AND TOCAYO AVENUE, SAN DIEGO, CA 92154.

I ARRIVED ON SCENE AT 2304 HOURS AFTER THE SUBJECT WAS LYING ON THE GROUND. I OBSERVED THE SUBJECT LYING ON HIS BACK IN THE CENTER OF THE INTERSECTION WITH PARAMEDICS PROVIDING AID. I BEGAN COLLECTING THE PERSONAL CONTACT INFORMATION OF NUMEROUS BORDER PATROL AGENTS AND CIVILIANS THAT WITNESSED THE EVENT.

I PLACED TURBOFLARE MARKERS ON THE GROUND BY MULTIPLE EXPENDED CASINGS AND OTHER ITEMS OF EVIDENTIARY VALUE TO MARK THEIR LOCATION. I ASSISTED IN ESTABLISHING AN INNER PERIMETER VIA POLICE TAPE.

I SPOKE TO [REDACTED] REGARDING THE EVENT (SEE BELOW FOR [REDACTED] STATEMENT)

ALL FOLLOWING STATEMENTS ARE PARAPHRASED UNLESS OTHERWISE STATED:

REPORTING OFFICER

SOUTH

I.D. #

7039

DIVISION

SOUTHERN

APPROVED BY:

A/Sgt. T. BRYAN

DATE OF REPORT:

MONTH

05

DAY

28

YEAR

18

TIME

0305

☐ OFFICER'S REPORT ONLY

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

SAN DIEGO REGIONAL
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NARRATIVE

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CASE NUMBER

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

S

DAY

27

YEAR

2018

DAY OF WEEK

SUN

TIME

2252

LOCATION OF INCIDENT (OR ADDRESS)

HOLLISTER ST / TOCAYO AV

CITY

SAN DIEGO

BEAT

722

DISTRICT

PERSON(S) INVOLVED: VICTIM

RAUL RIVERA

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

I SPOKE TO [REDACTED] CONCERNING THE EVENT (SEE BELOW FOR
[REDACTED] STATEMENT)

STATEMENT OF [REDACTED] (WITNESS):

[REDACTED] STATED HE WAS AT HOME WHEN HIS KIDS HEARD COMMOTION. HE WENT TO HIS KID'S BEDROOM WINDOW AND OBSERVED TWO BORDER PATROL AGENTS WITH GUNS DRAWN. THEY WERE STANDING NEAR A WHITE PICKUP TRUCK ON THE NORTH LIMIT LINE OF THE INTERSECTION OF HOLLISTER ST AND TOCAYO AV. THE AGENTS WERE TALKING TO A MALE SUBJECT HOLDING A KNIFE IN HIS RIGHT HAND. THE MALE HAD BOTH ARM RIGID AT CHEST HEIGHT AND WAS STANDING APPROX 10 FT FROM THE AGENTS.

[REDACTED] HEARD THE AGENTS YELLING FOR THE MALE TO DROP THE KNIFE. ONE AGENT WAS ASKING THE MALE IF HE WAS IN THE ARMY. [REDACTED] STATED THE MALE LUNGED AT ONE OF THE AGENTS FROM APPROX 5' AWAY. THE AGENTS RETREATED. THEN [REDACTED] OBSERVED THE MALE CIRCLING THE PICKUP TRUCK. [REDACTED] OBSERVED POLICE ARRIVE FROM TOCAYO AV AND FROM NORTH HOLLISTER ST.

[REDACTED] STATED OFFICERS ARMED THEMSELVES WITH BEAN BAG SHOTGUNS AND YELLED FOR THE MALE TO DROP THE KNIFE MULTIPLE TIMES. [REDACTED] STATED POLICE YELLED

REPORTING OFFICER

SOUTH

I.D. #

7039

DIVISION

SOUTHERN

APPROVED BY:

11/SGT. T. BRYAN 5301

MONTH

05

DAY

28

YEAR

18

TIME

0305

DATE OF REPORT:

		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 18050043895	
				PAGE 1 of 2	
CODE SECTION AND DESCRIPTION PC / 196 / JUSTIFIABLE HOMICIDE		DATE 05/27/2018	DAY OF WEEK Sunday	TIME 22:52	
LOCATION OF INCIDENT (OR ADDRESS) 2300 TOCAYO(SB) (SB) AV			CITY SAN DIEGO	BEAT 722	
SUSPECT (IF NAMED) Rivera, Raul Luis					
Body Camera: Body Camera Evidence Collected					

ORIGIN:

On 05/27/18 at approximately 2300 hours, I responded to a person brandishing a weapon at Hollister Street/Tocayo Ave, in the City of San Diego, California.

INVESTIGATION:

When I arrived on scene, I parked my patrol vehicle in the 1800 block of Hollister Street. Medics and fire were already on scene, rendering medical aid to the suspect, as he laid in the middle of the intersection of Hollister Street and Tocayo Ave.

I assisted at the scene of the shooting by writing down all the vehicles license plates number parked on 1800 Hollister Street. I document the following vehicles plates:

[REDACTED]

I walked southbound on 1800 Hollister Street. I saw several vehicles parked in the middle of the street on 2300 Tocayo Ave, just east of Hollister Street. I walked eastbound on 2300 Tocayo Ave and contacted three people sitting inside vehicle [REDACTED]. The vehicle was facing westbound towards Hollister Street. I contacted and spoke to three people in the vehicle. I identified the driver [REDACTED] by using his California [REDACTED]. [REDACTED] only spoke Spanish. I eventually had Officer Gonzalez interview Marsial, review the arjis-9 prepared by Officer Gonzalez for details.

A female was sitting on the front passenger's side seat. I identified her as [REDACTED]. I used her [REDACTED] to verify her identity. I interviewed [REDACTED] and obtained her statement. Their son [REDACTED] was sitting on the back seat of the vehicle. I interviewed him and obtained his statement. I asked the [REDACTED] family if they could stay at the scene and speak with detectives from Homicide but [REDACTED] told me she could not stay at the scene any longer. I told her a Homicide detective might contact her tonight and she told me she could be contacted on her cellular telephone or home.

STATEMENTS:

Statement of [REDACTED], (Witness):

Review the arjis-9 prepared by Officer Gonzalez ID #7414 for further details

REPORTING OFFICER JOHN COCHRAN	I.D. # 5106	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 00:16
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CONTINUED FROM

**SAN DIEGO REGIONAL
OFFICER'S REPORT**

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18050043895

CASE NUMBER

00000000

Statement of [REDACTED], (Witness):

I spoke with [REDACTED] and she essentially told me the following: [REDACTED] told me they were traveling westbound 2300 Tocayo. She saw two Border Patrol vans parked in the intersection of Hollister Street and Tocayo Ave. She also saw a person she described as a man holding a knife. [REDACTED] said the man was walking around in the intersection. [REDACTED] said he was waving the knife. She said when The Border Patrol Officers approached the male he pointed the knife in their direction. Two San Diego Police Department Officers arrived on scene and parked their vehicle in front of their car on Tocayo Ave. The vehicle obstructed [REDACTED] view of the intersection. Shortly after the police officers arrived she heard gunshots. [REDACTED] could not tell me the number of gunshot she heard or could give me a more detailed description of the male holding the knife.

Statement of [REDACTED], (Witness):

I spoke with [REDACTED] and he essentially told me the following: They were traveling westbound 2300 Tocayo Ave. He saw police in the street. His mother [REDACTED] told him to look away and cover his eyes [REDACTED] told me he turned away as his mother instructed, then he heard several gunshots.

RELATED REPORTS:

Review the arjis-9 prepared by Officer Gonzalez ID #7414 for further details

Approved By: A/Sgt. T. Bryan #5301

REPORTING OFFICER JOHN COCHRAN	I.D. # 5106	DIVISION S2	AGENCY SDPD	DATE OF REPORT 5/28/2018	TIME 00:16
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(Revised 09/2013 Electronic)

SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES

INCIDENT NUMBER 18050043895	CASE NUMBER 18016572
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VICTIM / WITNESS									
<input type="checkbox"/>	<input type="checkbox"/>	WTYPE 06	NAME (LAST, FIRST, MIDDLE SUS / OR ORGANIZATION) [REDACTED]						
RESIDENCE ADDRESS [REDACTED]			CITY [REDACTED]			STATE [REDACTED]		ZIP [REDACTED]	
RACE H	SEX M	DATE OF BIRTH [REDACTED]	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM STRNG	RELATION TO STRNG	SUSPECT VW ASSIST N
CONTACT CELL PHONE ([REDACTED])									
CONTACT HOME EMAIL [REDACTED]									
[REDACTED]									
STATUS [REDACTED]	EMPLOYER (RANK IF MILITARY) [REDACTED]		BUSINESS ADDRESS			CITY	STATE		ZIP
ADDITIONAL INFORMATION									

REPORTING OFFICER PAUL SOUTH	I.D. # 7039	DIVISION S3	AGENCY SDPD	DATE OF REPORT 6/1/2018	TIME 21:39
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**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: [REDACTED]

WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male brandishing a knife in a threatening manner at 2300 Tocayo Avenue.

San Diego Police Communications received a 9-1-1 call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife. S.D.P.D. officers were immediately dispatched to the scene.

San Diego Police officers arrived and found numerous uniformed Border Patrol Agents already on-scene. Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed less lethal force options such as the bean bag shotgun and Taser deployments. This was done in an attempt to subdue and apprehend RIVERA. The use of less lethal force options were unsuccessful in subduing RIVERA.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers then assessed RIVERA's injuries and attempted to render first aid.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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S.D.F.D. Medics arrived on scene and RIVERA was pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On June 1, 2018, at 1315 hours, I went to [REDACTED], [REDACTED] to locate and interview [REDACTED]. Witness, [REDACTED], was previously interviewed by Officer M. HERKELMAN on the night of the incident. During that interview [REDACTED] indicated that her friend, [REDACTED], told her that he saw RIVERA in the intersection armed with a knife and hitting cars. [REDACTED] indicated she knew [REDACTED] lives at the [REDACTED] on [REDACTED], [REDACTED] of Hollister Street on the north side of the street.

I knocked on the front door of the residence and asked to speak with [REDACTED]. [REDACTED] came to the front door and I obtained his statement. I captured the conversation on a digital recorder. Refer to audio recording for full details.

Statement of [REDACTED]

[REDACTED] essentially told me the following:

I went to go get Starbucks and there was a guy in the middle of the intersection. I was about five hundred feet from the intersection and he is trying to kick a car. The guy starts to move to the right in the intersection and then he sees my car coming and he tried to kick my car.

I rolled down my window and yelled, "Motherfucker, I will run your ass over!"

That is the end of the story. I just kept going to the freeway. When I came back from Starbucks towards the intersection it was already done. They (police) had shot and killed him.

I saw what the guy was doing before that happened. I did not see the shooting.

I went to Starbucks at 10:55 pm. I was going south on Hollister Street and making a left (eastbound) on Tocayo Avenue. I saw the guy trying to kick a car as it was slowly going through the intersection. I thought, "What the fuck." I thought maybe he cut him off or something.

Then when I saw the guy coming at me, I then thought, "This guy is off his rocker." The guy was coming towards me to kick my car. I had the light and just told the guy, "I would run his ass over." Since I had the light I did not have to stop. I had the green left turn arrow. I yelled out my window that, "I would run his ass over." I saw what he was trying to do to the other car. His was out in the middle of the intersection causing problems.

My window was down and my dog was in the car with me and I looked at the guy and thought this guy is not right. I did not need no shit.

Did you see if he had anything in his hands at that time?

No he did not. Visibly, I could not see. He had nothing in his hands at that time. I couldn't see if he had anything.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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I got on the I-5 freeway and went to Starbucks. I told some Deputy Sheriffs who were getting coffee at Starbucks that there was some fool down on Saturn kicking cars. I got my Starbucks and when I came back the intersection was already blocked off. I drove home by driving through the Tocayo Avenue townhouses because the other streets were blocked off.

I returned back from Starbucks to the intersection where the shooting occurred about fifteen minutes later. The guy was already shot and I could not see where he was.

I was initially driving through the intersection before the Border Patrol and San Diego Police arrived. I could not see if the guy actually was successful in kicking the car he was trying to hit. It looked like he was trying. When I drove through the intersection he turned and tried to do kick my car. My passenger window was rolled up because my dog was in the car. My driver window was down. I didn't have to stop at the intersection because I had the green light. I just drove over the line and avoided him in the street. I knew Starbucks was closing in five minutes (11:00 pm) and I wanted my Starbucks.

Was there an actual Deputy Sheriff in Starbucks that you talked to about what you saw?

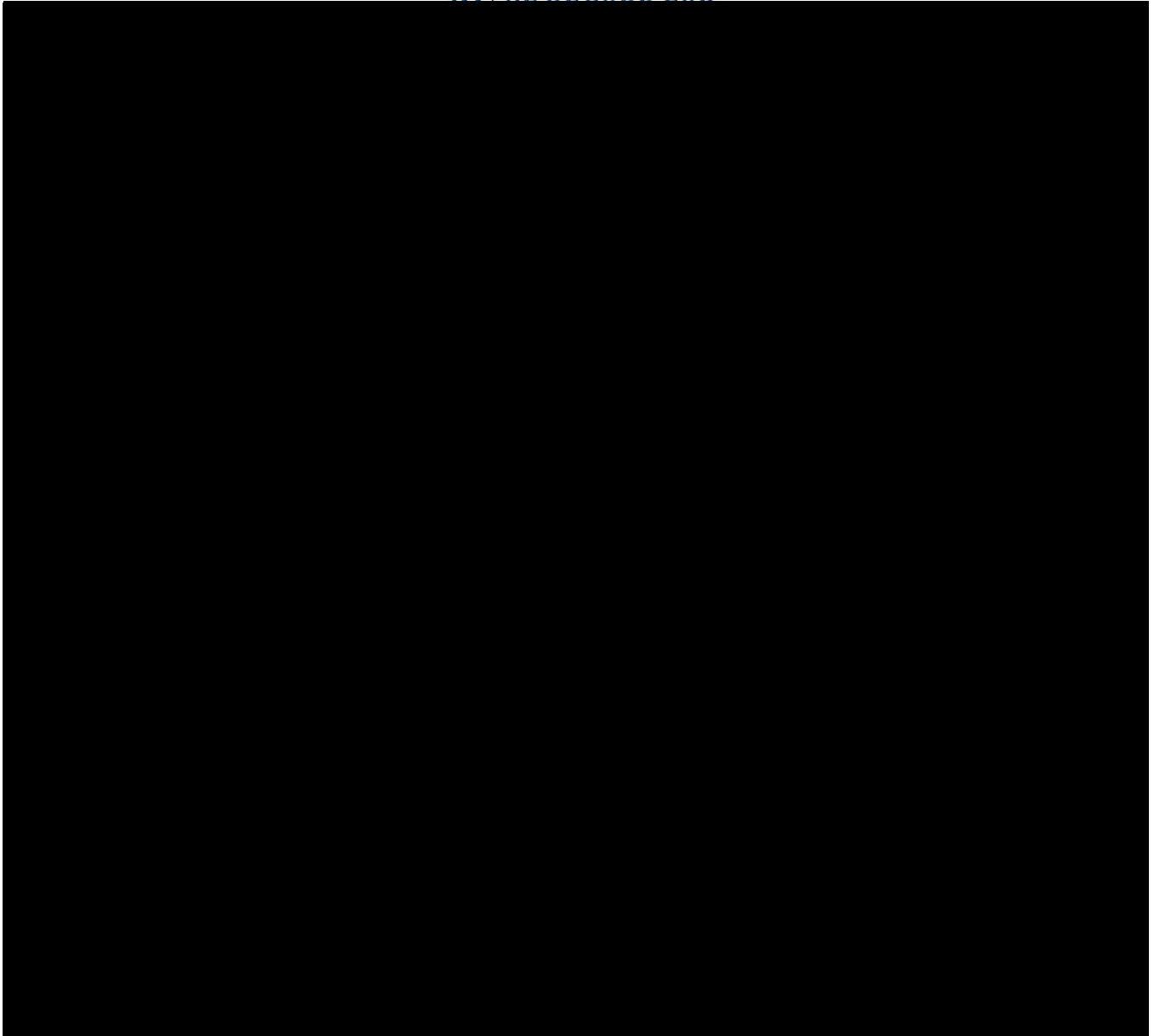
Yes, they go there every night at about 10:55 pm before they close. All the Imperial Beach Sheriffs go there for coffee before Starbucks closes.

I just told him (RIVERA) that "I would run his ass over." I was just "saying that as bullshitting, you know." I really don't want to run someone over.

At 1325 hours, I concluded the interview with [REDACTED]. I provided him with my business card and told him to contact me if he recalled any additional information.

Department of Motor Vehicles Image - CAL-PHOTO

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES



This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

CONFIDENTIAL – DO NOT DUPLICATE

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Reporting Officer: Gregory Minter, Sergeant ID: 6052 Division Internal Affairs
Approved by: Paul Phillips, Lieutenant Date of Report: December 18, 2018

LT  4882 12/28/18

CONFIDENTIAL – DO NOT DUPLICATE

SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

Date of Incident: May 27, 2018
Time of Incident: 2252 Hours
Location of Incident: 2300 Tocayo Avenue, San Diego, CA 92154
Subject: Officer Involved Shooting Investigation I.A. #2018-0319

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.

OFFICER INVOLVED: MARTINEZ, Michael A., PO-I, ID #7591
Date of Hire: 09-01-2016
S.D.P.D., Southern Division – 2nd watch
(619) 424-0400 (W)
H/M, [REDACTED]

WEAPON USED: [REDACTED]
Department issued firearm

OFFICER INVOLVED: CARTER-TORRES, William, PO-I, ID #7709
Date of Hire: 08-24-2017
S.D.P.D., Northern Division – 3rd watch
(858) 552-1700 (W)
H/M, [REDACTED]

WEAPON USED: [REDACTED]
Department issued firearm

OFFICER INVOLVED: RODRIGUEZ, Samuel, PO-II, ID #6941
Date of Hire: 04-27-2012
S.D.P.D., Southern Division – 1st watch
(619) 424-0400 (W)
H/M, [REDACTED]

WEAPON USED: [REDACTED]
Personal firearm

SUSPECT: RIVERA, Raul L.
[REDACTED]

Reporting Officer: Gregory Minter, Sergeant ID: 6052 Division Internal Affairs

Approved by: Paul Phillips, Lieutenant Date of Report: December 18, 2018

LT

4882 12/28/18

CONFIDENTIAL – DO NOT DUPLICATE

Investigator's Report
OIS: 2018-0319
Page 2

Unemployed
H/M, Age: 42

WEAPON USED: Knife

WITNESS OFFICERS: **ADAMS, Kristen B., PO-II, ID #5384**
Date of Hire: 08-25-97
S.D.P.D., Southern Division – 1st Watch
(619) 424-0400 (W)
O/M, [REDACTED]

CASTELLANOS, Daniel J., PO-II, ID #6569
Date of Hire: 02-19-15
S.D.P.D., Southern Division – 2nd Watch
(619) 424-0400 (W)
H/M, [REDACTED]

VERDUZCO, Max A., PO-II, ID #7409
Date of Hire: 07-22-08
S.D.P.D., Southern Division – 2nd Watch
(619) 424-0400 (W)
H/M, [REDACTED]

MENDOZA, Joel, PO-III, ID #5555
Date of Hire: 03-05-99
S.D.P.D., Southern Division – 1st Watch
(619) 424-0400 (W)
H/M, [REDACTED]

MUNIZ, Michael S., PO-II, ID #7483
Date of Hire: 10-29-15
S.D.P.D., Southern Division – 2nd Watch
(619) 424-0400 (W)
H/M, [REDACTED]

OTHER WITNESSES: **FELIX, Jacob, ID #I241**
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

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GARCIA, Francisco Jr., ID #I165
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

HERNANDEZ, Julian, ID #I186
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

LUNA, Hector
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

MARTINEZ, Francisco, ID #I344
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

O'NEILL, Eugene, ID #I216
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

PALAFOX, Alexander, ID #I345
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

PANIAGUA, David, ID #I136
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

PINO, Leslie, ID #I38
Batrol Patrol Supervising Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

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PORTER, Brandon
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

PAIR, Scott
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

ROLLINS, Christopher
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

SHOOK, Leo, ID #I196
Batrol Patrol Agent
1802 Saturn Boulevard, San Diego CA 92154
[REDACTED]

CIVILIAN WITNESSES:



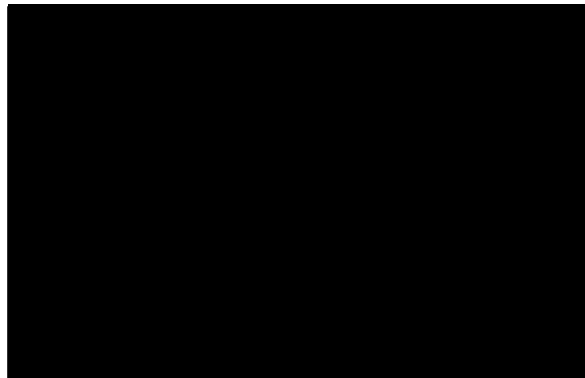
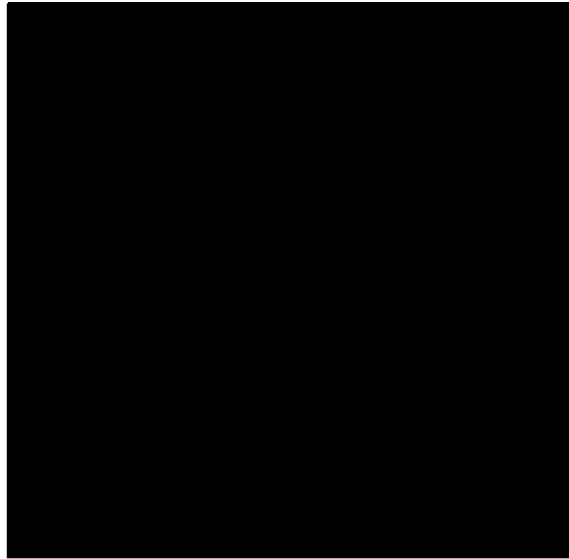
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SUMMARY:

On May 27, 2018, at 2252 hours, United States Border Patrol Agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously, San Diego Police Department Communications received a call from a passing motorist, regarding a man in the street armed with a knife. San Diego Police Department officers were dispatched to the scene.

San Diego Police Department officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul Rivera at gunpoint in the intersection of Tocayo Avenue and Hollister Street. Rivera refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police Department officers deployed bean bag impact projectiles and multiple Taser deployments were directed at Rivera in an attempt to subdue and apprehend him. The use of less-than-lethal force options were not successful and had no apparent affect.

Rivera continued to act in a threatening manner and charged towards Officer Michael Martinez while armed with the knife. Rivera was shot by Officer Michael Martinez, Officer William Carter-Torres and Officer Samuel Rodriguez. Rivera dropped to the ground after being struck by the gunfire. Officers began assessing Rivera's injuries and rendering first aid. San Diego Fire Department paramedics arrived on scene and Rivera was ultimately pronounced deceased at 2322 hours.

There were no officers or other citizens injured during this incident. All of the officers involved in this incident had their respective BWCs on. Homicide Team V responded and handled the investigation.

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INVESTIGATION:

On May 27, 2018, Internal Affairs Detective Sergeant John Huys (5097) and Internal Affairs Detective Sergeant Cesar Jimenez (6593) responded to an Officer Involved Shooting at 2300 Tocayo Avenue in the City of San Diego. Lieutenant Sharki assigned me the administrative investigation, IA case #2018-0319, on May 30, 2018.

On May 28, 2018, at about 0122 hours, Acting Sergeant Terrance Bryan (5301) provided a briefing to Homicide Team V, Internal Affairs and the San Diego Police Department Command Staff. His briefing is paraphrased as follows:

I am acting Sergeant Terrance BRYAN, ID #5301. My unit designator for this evening is 714S2. At 2252 hours, San Diego Police Communications received a call from [REDACTED] who was driving by the location. Her telephone number is [REDACTED]. The call was entered into communications at approximately 2252 hours. The call was dispatched at approximately 2253 hours. The San Diego Police Event number is 18050043895.

The original call came in as a 415 weapon call, man with a knife, on beat 722. The location was the intersection of Hollister Street and Tocayo Avenue. Weather conditions at the time of the incident were overcast and dark with street lighting. The approximately temperature at the time of the incident was 62 degrees.

The first officer to arrive on scene was Acting Sergeant Kristen ADAMS, ID #5384, arriving at 2256 hours. Within a minute or so numerous other officers arrived including Sam RODRIGUEZ, ID #6941, M. MARTINEZ, ID #7591, W. CARTER, ID #7709, Officer J. MENDOZA, ID #5555, Officer D. CASTELLANOS, ID #7329, and Officer M. VERDUZCO, ID #7409. There were also numerous Border Patrol agents present. I have the list of Border Patrol agents that were present. I will read it off.

Border Patrol Agent LUNA, Border Patrol Agent PAIR, and Border Patrol Agent PORTER. They were present but heard the incident only. The following Border Patrol agents were present and witnessed the actual shooting: Border Patrol Agent PANIAGUA, Border Patrol Agent FELIX, Border Patrol Agent GARCIA, Border Patrol Agent ONEIL, Border Patrol Agent HERNANDEZ, Border Patrol Agent SHOOK, Border Patrol Agent MARTINEZ, Border Patrol Agent PALAFOX and Border Patrol Agent PINO.

A brief description of the incident: When Acting Sergeant Adams arrived on scene the subject was in the intersection of Tocayo Avenue and Hollister Street. He was brandishing a firearm. (Acting Sergeant BRYAN later clarified he meant brandishing a knife and mistakenly said firearm.)

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Acting Sergeant ADAMS broadcast over the radio at 2259 hours, that the subject was at gunpoint. At 2301 hours, a radio broadcast went out that the bean bag had been deployed. At 2302 hours, radio broadcast of shots fired.

The suspect was identified by his California ID card as Raul Luis RIVERA. The address on his ID card which we were unable to confirm if this is his correct address, is [REDACTED] His date of birth is 05-16-76. He is further described as a Hispanic male, 5'10" tall, 215 lbs.

Paramedic Unit 30 and Engine Company 30 arrived at the scene. EMT Christopher CALDWELL, ID#CC4425 and EMT Robert SOLE, ID #RS5763 operated the paramedic unit. They performed CPR and other life saving measures. At 2322 hours, the suspect was pronounced dead by Doctor SIMMONS from Scripps Mercy Hospital.

The suspect is currently located in the middle of the intersection of Tocayo Avenue and Hollister Street. He is lying on his back with his head positioned towards the southwest and his feet towards the northeast. The knife is located approximately 20'00" south of the suspect and an electron flare has been placed over the top of it so it can protect it.

I have a partial list of witnesses. I am missing one, waiting for that information now. There were at least three vehicles that were in the roadway heading westbound on Tocayo Avenue that were occupied and witnessed the incident.

The first vehicle was a [REDACTED] The driver was identified by his California driver's license as last name of [REDACTED] He is a Hispanic male with a date of birth [REDACTED] He lives at [REDACTED] He is a Spanish speaker. The passenger of that vehicle was [REDACTED] date of birth [REDACTED] She is an English speaker. Telephone number for her [REDACTED] There was a passenger in the backseat, [REDACTED] I don't have his last name. Date of birth of [REDACTED] Those people could not stay at the scene. They have since gone home but are available for contact.

There was another vehicle. A 2006 [REDACTED] It is still at the scene. The driver is identified as [REDACTED] Date of birth [REDACTED] Has a California driver's license of [REDACTED] Lives at [REDACTED] His personal cell phone is not in service right now but he gave a number of [REDACTED] He gave an alternate number, his mother's cell phone, [REDACTED] He had a passenger, [REDACTED] date of birth [REDACTED] His California driver's license number is [REDACTED] He lives at [REDACTED] His phone number is [REDACTED] They are still at the scene.

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The next witness is also still at the scene and was in a vehicle. Last name of [REDACTED] first name of [REDACTED] Date of birth [REDACTED] She lives at [REDACTED] Her CDL is [REDACTED] Her telephone number is [REDACTED] She is also still at the scene.

Next witness was in his backyard with full view of the scene and claims to have cell phone footage but I have been unable to confirm that. Last name of [REDACTED] Date of birth [REDACTED] Identified by his California driver's license of [REDACTED] and lives at [REDACTED] He has a phone number of [REDACTED] He is located with an officer on Hollister south of Tocado outside the perimeter of the scene.

There was another witness in a vehicle. However he claims he did not see anything but I got his info anyway. 1996 [REDACTED] with a California plate of [REDACTED] The driver was identified by his driver's license as [REDACTED] with a date of birth of [REDACTED] CDL number of [REDACTED] Local address of [REDACTED] His phone number is [REDACTED]

We did do a safety check south of the intersection. At least one Border Patrol vehicle was struck by at least one round. That vehicle is still at the scene. No officers were injured during the incident. No civilians, other than the suspect were injured.

The initial reports did not say the suspect was threatening anybody but he was in the intersection waving the knife at passing cars. Border Patrol was here and attempted to contact the male before Acting Sergeant ADAMS arrived. Border Patrol did not fire any weapons or use any less lethal options.

Officers MENDOZA and CASTELLANOS each fired five rounds from their bean bag shotguns for a total of ten rounds. Officers RODRIGUEZ, MARTINEZ and CARTER all fired their handguns. I am not sure how many rounds. MARTINEZ also, prior to firing his handgun had attempted to use his Taser on the suspect and a witness officer, Officer MUNIZ, also used a Taser. All of the officers involved both witness and shooting officers, are back at Southern Division. All of the Border Patrol officers are at the Imperial Beach Border Patrol Station, located at 1802 Saturn Boulevard. They will be available for statements there.

There is a family that [REDACTED] I don't know the exact address that appeared to be related to the suspect. Initially, shortly after the incident, they had come out of the house and were yelling and screaming at officers. They have since gone back into their house. It is not confirmed if the decedent is associated to that house.

Border Patrol Agents are all just witness officers. According to the Border Patrol Supervisor, Agent PINO, none of his officers fired their weapons or used any less lethal options.

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The briefing concluded at 0149 hours. Homicide Acting Sergeant Christopher Leahy (5869) assigned the investigation to Homicide Detective Katherine Allison (5806).

At approximately 0545 hours, a walk-through of the scene was conducted with Officer Rodriguez, Officer Carter-Torres and Officer Martinez.

On September 25, 2018, at 0630 hours, I received the Special Investigation Case #18-602576 from Homicide Team V. The investigation contained the police officer interviews, witness interviews, crime reports, crime scene photographs, laboratory-reports, Medical Examiner report, Body Worn Camera (BWC) videos, and ABLE (Airborne Law Enforcement) video and communications printouts.

I reviewed the BWC videos to determine relevant videos for this administrative investigation. In watching the footage, I determined Officer Carter-Torres', Officer Rodriguez's, Officer Martinez's, Officer Muniz's and Officer Castellanos' (7329) videos were the most relevant.

- Officer Cater Torres – At about the 03:52 mark, shots are fired.
- Officer Rodriguez – At about the 03:26 mark, shots are fired.
- Officer Martinez – At about the 03:26 mark, shots are fired.
- Officer Muniz – At about the 03:52 mark, shots are fired.
- Officer Castellanos – At about the 02:00 mark, shots are fired.

On September 27, 2018, I reviewed the Special Investigation Book completed by Homicide Team V. I reviewed the reports completed by Homicide detectives and ARJIS-9 reports completed by patrol officers at the time of the incident.

The homicide investigation documented Detective Allison (5806) and San Diego Police Criminalists Alyssa Carbone (8733) and Adam Dutra (8236) as the investigators who processed the scene.

I reviewed the Firearms Unit laboratory report prepared by Criminalist Bill Loznycky (8176). Criminalist Loznycky completed the report for Officer Carter-Torres' firearm. The firearm was listed as:

Glock, Model 17 GEN 4, 9mm Luger caliber, semi-automatic, safe-action, centerfire pistol, serial number [REDACTED]

The ammunition was listed as:

One 9mm Luger caliber cartridge (Federal brand and Department Approved) in its chamber, four 9mm Luger caliber cartridges (Federal brand and Department Approved), in its seater [magazine] (in place).

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Criminalist Loznycky made the following observations regarding Officer Carter-Torres' firearm:

The total capacity of this pistol "Hot Loaded" with the two extra magazines #2 and #3 is fifty-two cartridges. Thirty-eight cartridges were received with the pistol. [REDACTED] minus the [REDACTED] cartridges received with the pistol equals [REDACTED]. This would indicate that SDPD Officer Carter-Torres fire his pistol a maximum of fourteen times. Officer Carter-Torres could have fired his pistol less than the maximum number of fourteen times if his seated magazine #1 and extra magazine #2 were not loaded to their full capacity of [REDACTED] cartridges each.

The Glock pistol was checked for function and safety and the pistol was found to be operable.

I reviewed the Firearms Unit laboratory report prepared by Criminalist Toniann Rebick (8154). Criminalist Rebick completed the report for Officer Martinez's firearm. The firearm was listed as:

One Glock, Model 17 Gen 4, semi-automatic pistol chambered in 9mm Luger, S/N [REDACTED] with four magazines and a TRL-1 HL Streamlight, S/N: [REDACTED] (works)

The ammunition was listed as:

All cartridges are consistent with Department ammunition.

Criminalist Rebick made the following observations regarding Officer Martinez's firearm:

The capacity of each of the four magazines is [REDACTED] cartridges. The total capacity of the pistol with one round in the chamber and a full magazine is [REDACTED] cartridges ("hot loaded"). The evidence indicates this if the pistol was "hot loaded," ten cartridges were fired from the pistol. If the firearm was not "hot loaded," a different number of fired cartridges would be indicated.

The pistol was test fired and was found to operate normally.

I reviewed the Firearms Unit laboratory report prepared by Criminalist Lisa Wilson (8512). Criminalist Wilson completed the report for Officer Rodriguez's firearm. The firearm was listed as:

One Glock semiautomatic pistol, Model 17 Gen 4, serial number [REDACTED] chambered in 9mm Luger caliber with three magazines and an attached flashlight (Streamlight TRL-1 HL, S/N: [REDACTED] functions properly)

The ammunition was listed as:

All cartridges are consistent with Department issue duty ammunition.

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Criminalist Wilson made the following observations regarding Officer Rodriguez's firearm:

The capacity of each of the three magazines is [REDACTED] cartridges. The total capacity of the pistol with one cartridge in the chamber and a full magazine is [REDACTED] cartridges ("hot loaded"). This evidence indicates that a maximum of six cartridges could have been fired from this pistol. If a different number of cartridges had been loaded into the seated magazine, then a different number of fired cartridges would be indicated.

The pistol was test fired and was found to operate normally.

Officers Martinez, Rodriguez and Carter Torres used Glock 17 firearms during the shooting. [REDACTED]

On September 27, 2018, at 1330 hours, I sent San Diego Police Department Firearms Range Sergeant Christopher Sarot (4689) an email, requesting the qualification information for these officers and their Glock firearms.

On September 27, 2018, at 1349 hours, Sergeant Sarot responded to my email with the following information:

Officer Samuel Rodriguez (6941)
Glock 17 [REDACTED]
Training Shoot: 3/8/2018 & 8/6/2018
Qualification: 1/2/2018

Officer Michael Martinez (7591)
Glock 17 [REDACTED]
Training Shoot: 2/27/2018 & 6/28/2018
Qualification: 11/28/2017

Officer William Carter-Torres (7709)
Glock 17 [REDACTED]
Qualification: 2/21/2018

Torres didn't complete the training shoot last shift. If he was in phase training, injured, or out on Military Leave he would be generally excused.

On September 28, 2018, at 1245 hours, I conducted records checks on the firearms discharged during this incident. The Glock firearms discharged by Officer Martinez and Officer Carter-Torres were issued by the

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San Diego Police Department. The Glock firearm discharged by Officer Rodriguez is his personally owned firearm.

On September 28, 2018, at 1335 hours, I confirmed Carter-Torres was in phase training (2nd phase) during this incident.

On September 28, 2018, at 1412 hours, I viewed Officer Martinez's and Officer Rodriguez's personnel files. I confirmed Officer Martinez was authorized to possess his personally owned Glock 43 firearm as a secondary firearm during the incident. I confirmed Officer Rodriguez was authorized to possess his personally owned Glock 17 as his duty weapon.

During this investigation, I confirmed all officers were in compliance with San Diego Police Department firearms procedures.

On December 18, 0530 hours, I received a copy of the District Attorney's letter dated December 13, 2018. It was prepared by District Attorney Summer Stephan. The conclusion to District Attorney Stephan's letter states:

In this case, law enforcement officers were confronted by an agitated subject who was armed with a knife and was under the influence of narcotics. Mr. Rivera urged officers to shoot him as he advanced toward them. The officers' attempts of verbal de-escalation and use of less lethal methods of subduing Rivera were unsuccessful. Rivera charged at Officer Martinez in such a threatening manner Martinez believed his life was in danger. Officers Carter-Torres and Rodriguez witnessed Rivera threaten Martinez with a knife and also reasonably feared for the safety of Martinez. Martinez fired at Rivera in his own defense and Carter-Torres and Rodriguez shot Rivera to prevent Rivera from injuring or killing Martinez. Based on these circumstances, the officers bear no criminal liability for their actions.

The statements in this investigation were obtained from the Homicide Investigation Case #18-602576. The officers and witnesses were not interviewed by Internal Affairs.

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CONCLUSION:

On May 27, 2018, at 2252 hours, United States Border Patrol Agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously, San Diego Police Department Communications received a call from a passing motorist, regarding a man in the street armed with a knife. San Diego Police Department officers were dispatched to the scene.

San Diego Police Department officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul Rivera at gunpoint in the intersection of Tocayo Avenue and Hollister Street. Rivera refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police Department officers deployed bean bag impact projectiles and multiple Taser deployments were directed at Rivera in an attempt to subdue and apprehend him. The use of less-than-lethal force options were not successful and had no apparent affect.

Rivera continued to act in a threatening manner and charged towards Officer Michael Martinez while armed with the knife. Rivera was shot by Officer Michael Martinez, Officer William Carter-Torres and Officer Samuel Rodriguez. Rivera dropped to the ground after being struck by the gunfire. Officers began assessing Rivera's injuries and rendering first aid. San Diego Fire Department paramedics arrived on scene and Rivera was ultimately pronounced deceased at 2322 hours.

During his interview with Acting Lieutenant Stephen Shebloski (5317) and Acting Sergeant Christopher Leahy (5869) of the Homicide Unit, Officer Martinez gave the paraphrased statement:

My partner Officer Muniz and I heard this call come out as a 415 knife. I remember hearing over the radio there was a male suspect swinging a knife towards oncoming vehicles.

Sergeant Adams got on the radio and said that Border Patrol had the suspect at gunpoint. We approached the scene where the SDPD and Border Patrol vehicles were. We parked a little bit south of the rest of the vehicles and when I approached the scene I observed a white or Hispanic male. He had a knife in his right hand. He was holding it pretty tight. He was advancing on the Border Patrol agents who had him at gunpoint.

I took my firearm out of the holster. I believed he was close enough that he would easily be able to stab any of those two or three Border Patrol agents. The only reason I didn't fire was because there was two other Border Patrol agents in the background. So I holstered my firearm.

I pulled out my Taser since a lot of officers already had their lethal weapons out. One SDPD officer had the bean bag pointed at the suspect and that's the reason why I pulled my Taser out.

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I heard a lot of yelling back and forth. I did point my Taser at the subject and it was around the time when the bean bag was deployed. One bean bag struck him either in his stomach or center chest. He quickly leaned slightly forward and then he turned and ran. He turned his back towards all of us and ran westbound on Tocayo. The bean bag did not appear to have any effect on him.

He continued running westbound on Tocayo. I began running after him. I had my Taser out. I pointed it towards him. He turned around towards me. He still had the knife in his right hand. I told him to get down. I kept giving him multiple directives to get on the ground. He did not comply.

I yelled for lethal to come on my right side. I felt that he was already so close to those Border Patrol agents, I thought he would be willing to try to stab me with that knife so I wanted lethal by me.

I told him to get down on the ground, he said, "no" twice. I yelled out, "Taser! Taser! Taser!" and I deployed my Taser. I thought I had a good shot at one point where he kind of stopped and stayed still, but it missed. I don't believe the Taser struck him.

He was kind of swinging the knife around. He turned around and then ran in the middle of the intersection. I was trying to run after him and trying to get my extra Taser cartridge out. I just couldn't do it. I removed my firearm from my holster and I was giving him directives to get on the ground. I yelled, "San Diego Police! Get on the ground!" He wasn't complying with my directives or any of the other officers' directives.

He had the knife kind of close to him, almost in a fighting stance. He took an aggressive stance with me. He began advancing towards me, kind of half-hopping and half-jogging towards me. I went back a couple of steps and he continued to advance and I discharged my firearm in his direction. I believe I fired approximately five rounds.

I felt that he was going to stab me or one of the other officers. I thought he might stab me, possibly kill me. It looked like the type of weapon that could produce great bodily injury.

We placed him in handcuffs. Somebody cut his shirt off of him. We put him in the recovery position. I searched him for other weapons. I didn't render any aid to him. One of the other officers was getting the quick gauze. Fire was 97 quickly so they took over.

I estimate he was approximately fifteen away from me when he rushed at me with the knife. When he rushed at me I was in fear of my life. I thought he was going to stab me with the knife.

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For further details of Officer Martinez's statement, see his interview by Homicide Acting Lieutenant Shebloski and Homicide Acting Sergeant Leahy.

During his interview with Acting Lieutenant Stephen Shebloski, Acting Sergeant Christopher Leahy, and Lieutenant Anthony Dupree (5048) of the Homicide Unit, Officer Carter Torres gave the paraphrased statement:

I am in Field Training. This is my 2nd phase. My FTO is Officer Jeffrey Skiba (6807). Tonight I was 713U2. I was carrying my department issued Glock 17 and I was not carrying a secondary weapon.

Tonight we heard a "hot" call come out that Border Patrol had someone at gunpoint. The suspect with the knife. My FTO, it was Officer Samuel Rodriguez for tonight, was driving and I was typing. We responded Code 3. I read the call on the way there. A guy with a knife. I assumed they had the guy under control.

I got out of my patrol vehicle and I turned on my body camera. I heard the bean bags going off and I heard yelling. This included, "Put the knife down!" I started running over there, but Officer Rodriguez [REDACTED] so I decided to go back to him. We approached the scene again together. I saw the suspect running towards us. Behind the suspect I see the other officers, so lethal was not an option. I took out my Taser. Officer Rodriguez and I deployed our Tasers at the subject approximately at the same time. It didn't stop the guy. He just cut the wire to his arms and kept moving. I reloaded my Taser. I thought about switching to lethal, since the Taser and bean bags were not working. They did not have any effect on him at all.

I started worrying. I believed the subject was dangerous. He started moving in the intersection. He then sprinted at Officer Martinez. The subject had the knife. The knife was silver and it was in his right hand. He was closer to ten feet away. I remember thinking at the Academy, they said all it takes is 22 feet for someone to stab you. I thought, he is closer than 22 feet, and he is going to stab me.

The subject ran at Officer Martinez with the knife. He was well within ten feet. I thought he was going to stab Officer Martinez, so I opened fire. If I would not have opened fire, the subject would have stabbed Officer Martinez. I fired thirteen rounds. The subject fell. We all stopped shooting. The suspect would not let go of the knife. We kept telling him. I could see he was still tense. He was trying to move his other arm up, trying to get up. We got a team together to kick the knife away and go hands on. Another officer kicked the knife away. The subject was still holding it. Other officers rolled him into the recovery position and handcuffed him. Another officer started applying first aid. I provided light for the other officers.

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For further details of Officer Carter Torres' statement, see interview by Homicide Acting Lieutenant Stephen Shebloski, Homicide Acting Sergeant Christopher Leahy and Homicide Lieutenant Anthony Dupree.

During his interview with Acting Lieutenant Stephen Shebloski and Acting Sergeant Christopher Leahy of the Homicide Unit, Officer Rodriguez gave the paraphrased statement:

Tonight I was working as 713U2. I was carrying my personal Glock 17. I did not have a secondary weapon on me.

I was driving to the 10-17. I heard the call of "415 weapon" come out. I heard a Border Patrol agent had someone at gunpoint. I activated my overhead lights to drive Code 3. I took approximately one minute to arrive at the scene. I parked and positioned my vehicle to block off two westbound lanes of traffic.

As I got out of the vehicle and started walking up, I heard gunshots. I then saw they were bean bag rounds, because I could see the white casings flying. As I was approaching, I could see a male running around and several officers were around him. He began to run westbound. As we got into the intersection, I heard several other shots fired. They were bean bag rounds.

The male started running in my direction. He had a knife in his right hand and he was holding it very tightly. The knife was silver metallic. It was possibly four inches long, about an inch and a half wide to two inches. I took out my Taser. At that time I thought he was approaching me and I felt like my life was in immediate danger. I considered dropping my Taser and taking out my gun and shooting him, but I deployed my Taser. It was ineffective. He just threw it off. He used his hands to push away the wires.

My trainee deployed his Taser almost simultaneously with mine. Then the suspect continued towards the intersection. He was standing there, facing all the officers. His hands were mid abdomen, both hands balled up with the knife. He was holding the knife very tightly and taking an aggressive stance towards us. There were people telling him, "Drop the knife! Drop the knife!"

Another bean bag round was shot and was ineffective. He was not slowing down. He wasn't complying or reacting to anything that we were telling him. Officer Castellanos asked for lethal cover, which I volunteered for.

The subject continued to take large strides towards us. When he did that he made hesitation moves. He still had the knife in his right hand. He moved towards us. He had a running pace towards Officer Martinez. I thought his life was in immediate danger. That is when I decided to fire my weapon. I fired approximately four rounds. I estimate the subject was ten or fifteen feet away.

Reporting Officer: Gregory Minter, Sergeant ID: 6052 Division Internal Affairs
Approved by: Paul Phillips, Lieutenant Date of Report: December 18, 2018

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The subject went down and he was on his back. He was still holding on the knife tightly. The other officers told him to "Drop the knife! Drop the knife!" Officer Martinez said, "Drop the knife. We need to give you medical care." The subject started moving around and then he dropped the knife.

I was part of the arrest team. I turned the subject over so he could be handcuffed. I took out my knife and I started cutting open his shirt to see if there were any injuries. Blood was just gushing out. I told Officer Castellanos that if he stopped breathing, I would do chest compressions.

For further details of Officer Rodriguez's statement, see interview by Homicide Acting Lieutenant Shebloski and Homicide Acting Sergeant Leahy.

San Diego Police Department Procedure 1.05, Firearms Procedures, Section III, B, 2, (06/20/17), states in part:

- B. No officer shall discharge a firearm in the performance of duty except:
 - 2. When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person.

Raul Rivera was armed with a deadly weapon (knife) when San Diego Police Department officers and Border Patrol agents contacted him. Rivera was told by multiple officers at the scene to surrender and drop the knife. Rivera refused to comply. Officers used a variety of less-lethal weapons (bean bag shotgun, Taser) in order to gain Rivera's compliance. These less-lethal weapons were ineffective. Rivera, while still in possession of the knife, charged at the officers at the scene.

Officer Martinez, Officer Carter Torres and Officer Rodriguez all fired their firearms at Rivera. During their interview with the Homicide Unit, all three officers stated they believed Rivera was going to stab either themselves or another officers.

San Diego Police Department Procedure 1.04, Use of Force, Section III (03/08/18), states in part:

The San Diego Police Department recognizes and respects the value of human life, having this as its highest priority. It is the policy and practice of the Department to train its personnel in the use of the safest, most humane restraint procedures and force options currently known. The Department seeks to demonstrate integrity, and make decisions that are fair, respectful, lawful, and based on good judgment.

Reporting Officer: Gregory Minter, Sergeant ID: 6052 Division Internal Affairs
Approved by: Paul Phillips, Lieutenant Date of Report: December 18, 2018

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In the performance of their duties, officers may encounter situations where the use of force is reasonable in order to effect a detention or arrest, to overcome resistance, or to protect themselves or others. Force, as authorized by Penal Code section 835a, and as set forth in this policy, may be used in those situations. The decision to use deadly force in response to an imminent threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make.

Only force that is reasonable to overcome resistance may be used to effect a detention or an arrest, or take a mentally ill or emotionally disturbed person into protective custody. The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), acknowledged that the "reasonableness" test in analyzing the use of force is "not capable of precise definition or mechanical application." For that reason, in determining whether an officer's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the officer at the time force was used. All of the surrounding circumstances will be considered, including whether the subject posed an imminent threat to the safety of the officer or others, the severity of the crime at issue, and whether the suspect actively resisted arrest or attempted to flee.

Penal Code section 835a authorizes an officer to use reasonable force to make a lawful arrest, prevent an escape, or to overcome resistance. Officers are not required to retreat or desist from their efforts by reason of resistance or threatened resistance of the person being arrested.

The evaluation of an officer's use of force will be undertaken from the perspective of a reasonable officer on the scene, not through the 20/20 vision of hindsight. The central inquiry in every use of force case is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.

San Diego Police Department Procedure 1.04, Use of Force, Section IV (03/08/18), states in part:

- E. Deadly Force - force that creates a substantial risk of causing death or serious bodily injury.

San Diego Police Department procedure states when an officer has a reasonable belief that a subject poses an imminent threat of death or serious bodily injury to the officer or another person, the use of a firearm is allowed.

Based on Officer Martinez, Officer Carter-Torres and Officer Rodriguez's statements, San Diego Police Department procedures, the investigation conducted by Homicide Team V and my administrative investigation, Officer Martinez, Officer Carter-Torres and Officer Rodriguez used their firearms to stop an imminent threat of great bodily injury or death to themselves and other officers. The decision of Officer

Reporting Officer:	<u>Gregory Minter, Sergeant</u>	ID:	<u>6052</u>	Division	<u>Internal Affairs</u>
Approved by:	<u>Paul Phillips, Lieutenant</u>	Date of Report:	<u>December 18, 2018</u>		

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Martinez, Officer Carter-Torres and Officer Rodriguez to use deadly force was reasonable, legal and **WITHIN** Department Policy and Procedure.

Reporting Officer: Gregory Minter, Sergeant ID: 6052 Division Internal Affairs
Approved by: Paul Phillips, Lieutenant Date of Report: December 18, 2018

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DOCUMENTATION:

1. Printout of Incident #E18050043895.
2. The Homicide Unit Special Investigation, Case #18-602576. The entire report is contained in a black, 3-inch binder.
3. Four compact discs containing digital photographs taken during the OIS investigation. These four compact discs are stored in Section 24 of the Special Investigation Notebook.
4. One compact disc containing video footage from ABLE. This is stored in Section 24 of the Special Investigation Notebook.
5. One compact disc containing audio from San Diego Police Department communications during the OIS. This is stored in Section 24 of the Special Investigation Notebook.
6. Five compact discs containing audio interviews taken during the OIS investigation. These five compact discs are stored in Section 24 of the Special Investigation Notebook.
7. One compact disc containing digital photographs from the autopsy. This is stored in Section 24 of the Special Investigation Notebook.
8. One compact discs containing officer's Body Worn Camera video of the shooting. These compact discs are stored in Section 24 of the Special Investigation Notebook.
9. One compact disc containing audio from Border Patrol communications during the OIS. This is stored in Section 24 of the Special Investigation Notebook.
10. San Diego Police Department Range Reports for Officer Carter-Torres, Officer Martinez and Officer Rodriguez.
11. Personal weapon authorizations for Officer Martinez and Officer Rodriguez.
12. Internal Affairs Callout Checklist.
13. Copy of District Attorney Stephan's letter dated December 13, 2018.

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.


Reporting Officer: Gregory Minter, Sergeant ID: 6052 Division Internal Affairs
Approved by: Paul Phillips, Lieutenant Date of Report: December 18, 2018

SAN DIEGO POLICE DEPARTMENT
Property Report

Incident Number: **18050043895**

Case Number:

Suspect: , DOB:

BarCode	Item #	Item Type	Description
 10887798	1	VEHICLE	CHEVY TAHOE Serial #: [REDACTED]

US GOV PLATE [REDACTED]

Recovered By: **Rodriguez, Manuel 7672**

Date Recovered: **05/28/2018**

Recovery Address / Location: **HOLLISTER ST./TOCAYO AVE. AT SCENE**

Impounded By: **MANUEL RODRIGUEZ 5/28/18 11:03**

 10887989	2	CD / DVD	
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One "MASTER" DVD containing digital images #1 through #86 of the officer processing(s)

Recovered By: **Morreira, Heather 8702**

Date Recovered: **05/28/2018**

Recovery Address / Location: **CSU Studio - Officer Processing (x3) Officer Rodriguez, Officer Martinez and Officer Carter Torres**

Impounded By: **Morreira, Heather 5/29/18 7:08**

 10887991	3	CD / DVD	
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One "WORKING COPY" DVD containing digital images #1 through #86 of the officer processing(s)

Recovered By: **Morreira, Heather 8702**

Date Recovered: **05/28/2018**

Recovery Address / Location: **CSU Studio - Officer Processing (x3) Officer Rodriguez, Officer Martinez and Officer Carter Torres**

Impounded By: **Morreira, Heather 5/29/18 7:11**

 10888032	4	CELL PHONE	Coolpad
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Grey and Black with cracked screen

Recovered By: **LEAHY, CHRISTOPHER 5869**

Date Recovered: **05/28/2018**

Recovery Address / Location: [REDACTED]

Transported By: **LEAHY, CHRISTOPHER 5869** on 5/28/18 0945

Impounded By: **KATHERINE ALLISON 5/29/18 9:07**

 10888034	5	CELL PHONE	Life wireless
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Black cell phone and phone cord

Recovered By: **LEAHY, CHRISTOPHER 5869**

Date Recovered: **05/28/2018**

Recovery Address / Location: [REDACTED]

Transported By: **LEAHY, CHRISTOPHER 5869** on 5/28/18 0945






SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
Impounded By: KATHERINE ALLISON 5/29/18 9:11			
 10888038	6	CLOTHING	
			Misc clothing (Pants, shirts, shorts, socks)
			Recovered By: LEAHY, CHRISTOPHER 5869
			Date Recovered: 05/28/2018
			Recovery Address / Location: [REDACTED]
			Transported By: LEAHY, CHRISTOPHER 5869 on 5/28/18 0945
Impounded By: KATHERINE ALLISON 5/29/18 9:16			
 10888042	7	OTHER - See Additional Description for Further	
			Two empty round containers, one pack of rolling papers
			Recovered By: LEAHY, CHRISTOPHER 5869
			Date Recovered: 05/28/2018
			Recovery Address / Location: [REDACTED]
			Transported By: LEAHY, CHRISTOPHER 5869 on 5/28/18 0945
Impounded By: KATHERINE ALLISON 5/29/18 9:19			
 10888166	8	FIREARM PROCESSING KIT	
			FA Processing Packet for OFC S.Rodriguez, #6941: bore swab, chamber contents, mag contents (x3), testfires
			Recovered By: WILSON, LISA 8512
			Date Recovered: 05/29/2018
			Recovery Address / Location: 1401 Broadway Crime Lab - FA Unit
			Transported By: LEAHY, CHRISTOPHER 5869 on
Impounded By: Wilson, Lisa 5/29/18 13:41			
 10888203	9	LABORATORY EVIDENCE	
			Firearms Processing Packet [REDACTED] - CARTER-TORRES, William #7709
			Recovered By: LOZNYCKY, BILL 8176
			Date Recovered: 05/29/2018
			Recovery Address / Location: Crime Laboratory Firearms Unit
			Transported By: LEAHY, CHRISTOPHER 5869 on
Impounded By: BILL LOZNYCKY 5/29/18 14:58			
 10888266	10	CD / DVD	

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
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Wit statements: [REDACTED]

Recovered By: **TAFOYA, ANDREW 6101**

Date Recovered: **05/29/2018**

Recovery Address / Location: **Mid City Substation**

Impounded By: **ANDREW TAFOYA 5/29/18 18:51**



10888402

11 CLOTHING

Misc clothing

Recovered By: **LEAHY, CHRISTOPHER 5869**

Date Recovered: **05/28/2018**

Recovery Address / Location: [REDACTED]

Transported By: **LEAHY, CHRISTOPHER 5869** on 5/28/18 0945

Impounded By: **KATHERINE ALLISON 5/30/18 6:03**



10888404

12 OTHER - See
Additional Description
for Further

blue cell phone power bank and power cord

Recovered By: **LEAHY, CHRISTOPHER 5869**

Date Recovered: **05/28/2018**

Recovery Address / Location: [REDACTED]

Transported By: **LEAHY, CHRISTOPHER 5869** on 5/28/18 0945

Impounded By: **KATHERINE ALLISON 5/30/18 6:05**



10888557

13 KNIFE

One black and silver-colored, "MTech USA BALLISTIC," model "MT-A929" folding knife.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt south of the suspect.**

Impounded By: **Carbone, Alyssa 5/30/18 11:30**



10888593

14 WALLET

Hat and wallet. See comments.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt south of the suspect.**

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
Impounded By: Carbone, Alyssa 5/30/18 12:42			


NOTES: *****

AMC 8733 5/30/2018

This item (placard 2) consists of the following:

- One black, leather-like, Guess wallet with a gold-colored stripe and silver-colored stripe on the exterior of it. The wallet contains the following:
 - One Social Security card in the name of Raul Rivera.
 - Three MasterCard credit cards in the name of Raul Rivera.
 - Three Visa credit cards in the name of Raul Rivera.
 - One Golden State Advantage credit card in the name of Raul Rivera.
 - One Community Health Group insurance card in the name of Raul L. Rivera.
 - One Compass Tap and Ride day pass card.
 - One San Diego Trolley receipt, dated 05/23/18.
 - Miscellaneous business cards.
 - Two white plastic cards.
 - Two pieces of paper with handwriting on them.
 - One piece of cardboard with handwriting on it.
- One black, FlexFit, fitted hat with an image of a skull embroidered in white and green on the front of it.
- One pair of black handcuffs and one pair of silver-colored handcuffs attached to one another. There are apparent bloodstains on both pairs of handcuffs. "MENDOZA 5555" is etched into the pair of silver-colored handcuffs. This item was released to Acting Sergeant C. Leahy, ID #5869 in the San Diego Police Department Homicide Unit on June 1, 2018.

*****END*****

 10888608	15	OTHER - See Additional Description for Further
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One black, Staples Sonix pen with apparent bloodstains on it.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt south of the suspect.**

Impounded By: Carbone, Alyssa 5/30/18 13:12

 10888616	16	BLOOD SWAB
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One swab of an apparent bloodstain.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt southeast of the suspect.**

Impounded By: Carbone, Alyssa 5/30/18 13:15


SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
 10888634	17	TASER CARTRIDGE	

One Taser cartridge with wire attached to it. There is one probe attached to the end of the wire.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt northwest of the suspect.**

Impounded By: **Carbone, Alyssa 5/30/18 13:22**

 10888644	18	OTHER - See Additional Description for Further	
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One bean bag from a bean bag shotgun shell.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northwest of the suspect.**

Impounded By: **Carbone, Alyssa 5/30/18 13:28**

 10888657	19	CARTRIDGE CASE	
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One bean bag shotgun shell case with the headstamp "CTS 12."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue Collected from the north westbound lane (#2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.**

Impounded By: **Carbone, Alyssa 5/30/18 13:49**

 10888667	20	TASER CARTRIDGE	
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One Taser cartridge with wire attached to it. There is one probe attached to the end of the wire.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue Collected from the south westbound lane (#1 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.**

Impounded By: **Carbone, Alyssa 5/30/18 14:04**

 10888675	21	CARTRIDGE CASE	
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One bean bag shotgun shell case with the headstamp "CTS 12."

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue Collected from the south westbound lane (#1 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.	
		Impounded By: Carbone, Alyssa 5/30/18 14:14	



10888678

22 CARTRIDGE CASE

One bean bag shotgun shell case with the headstamp "CTS 12."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from the south westbound lane (#1 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.

Impounded By: **Carbone, Alyssa** 5/30/18 14:21



10888684

23 OTHER - See
Additional Description
for Further

Taser wire with one probe attached to one end of it.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from the south westbound lane (#1 lane) of Tocayo Avenue, southwest of the residence located at [REDACTED] Gayo Ct.

Impounded By: **Carbone, Alyssa** 5/30/18 14:24



10888695

24 OTHER - See
Additional Description
for Further

One bean bag from a bean bag shotgun shell.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from the north westbound lane (#2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.

Impounded By: **Carbone, Alyssa** 5/30/18 14:47



10888698

25 OTHER - See
Additional Description
for Further

One bean bag from a bean bag shotgun shell.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from the north westbound lane (#2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.

Impounded By: **Carbone, Alyssa** 5/30/18 14:54


SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
 10888700	26	OTHER - See Additional Description for Further	

One bean bag from a bean bag shotgun shell.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from the north sidewalk of **Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.**

Impounded By: **Carbone, Alyssa 5/30/18 15:00**

 10888705	27	CARTRIDGE CASE	
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One bean bag shotgun shell case with the headstamp "CTS 12."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from asphalt of north **westbound lane (#2 lane) of Tocayo Avenue, south of residence at [REDACTED] Gayo Court.**

Impounded By: **Carbone, Alyssa 5/30/18 15:07**

 10888710	28	CARTRIDGE CASE	
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One bean bag shotgun shell case with the headstamp "CTS 12."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from asphalt of north **westbound lane (#2 lane) of Tocayo Avenue, southeast of residence at [REDACTED] Gayo Court.**

Impounded By: **Carbone, Alyssa 5/30/18 15:15**

 10888720	29	OTHER - See Additional Description for Further	
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One bean bag from a bean bag shotgun shell.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue** Collected from the grass/shrub area in **the northwest corner of the intersection of Tocayo Avenue and Hollister Street.**

Impounded By: **Carbone, Alyssa 5/30/18 15:25**

 10888724	30	OTHER - See Additional Description for Further	
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One bean bag from a bean bag shotgun shell.






SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue	Collected from the asphalt in the northwest corner of the intersection of Tocayo Avenue and Hollister Street.
		Impounded By: Carbone, Alyssa	5/30/18 15:40
 10888732	31	CARTRIDGE CASE	
		One bean bag shotgun shell case with the headstamp "CTS 12."	
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue	Collected from the east sidewalk of Hollister Avenue, east of the residence located at Gayo Court.
		Impounded By: Carbone, Alyssa	5/30/18 15:44
 10888735	32	CARTRIDGE CASE	
		One bean bag shotgun shell case with the headstamp "CTS 12."	
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue	Collected from the east sidewalk of Hollister Street, east of the residence located at Gayo Court.
		Impounded By: Carbone, Alyssa	5/30/18 15:50
 10888736	33	OTHER - See Additional Description for Further	
		One bean bag from a bean bag shotgun shell.	
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue	Collected from the sidewalk in the northeast corner of the intersection of Tocayo Ave. and Hollister St.
		Impounded By: Carbone, Alyssa	5/30/18 15:55
 10888744	34	CARTRIDGE CASE	
		One bean bag shotgun shell case with the headstamp "**12*."	
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue	Collected from the sidewalk in the northeast corner of the intersection of Tocayo Ave. and Hollister St.
		Impounded By: Carbone, Alyssa	5/30/18 16:11
 10888747	35	OTHER - See Additional Description for Further	

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		One bean bag from a bean bag shotgun shell.	
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue Collected from the asphalt of the north shoulder of Tocayo Avenue, northwest of the residence located at [REDACTED]	
		Impounded By: Carbone, Alyssa 5/30/18 16:20	

 10888749	36	OTHER - See Additional Description for Further	
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One empty bean bag from a bean bag shotgun shell.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.**

Impounded By: **Carbone, Alyssa 5/30/18 16:25**

 10888751	37	TASER CARTRIDGE	
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One Taser cartridge with wire attached to it. There is one probe attached to the end of the wire.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northwest of the suspect.**

Impounded By: **Carbone, Alyssa 5/30/18 16:30**

 10888754	38	TASER CARTRIDGE	
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One Taser cartridge with wire attached to it. There is one probe attached to the end of the wire.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northwest of the suspect.**

Impounded By: **Carbone, Alyssa 5/30/18 16:36**

 10888939	39	CARTRIDGE CASE	
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One cartridge case with the headstamp "FC 9MM LUGER."

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northwest of the suspect.	
		Impounded By: Carbone, Alyssa 5/31/18 6:58	

	40	CARTRIDGE CASE
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10888943

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 7:12**

	41	CARTRIDGE CASE
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10888945

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 7:13**

	42	CARTRIDGE CASE
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10888947

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 7:18**

	43	CARTRIDGE CASE
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10888949

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 7:21**

	44	CARTRIDGE CASE
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10888950





SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
			One cartridge case with the headstamp "FC 9MM LUGER."
			Recovered By: Carbone, Alyssa 8733
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.
			Impounded By: Carbone, Alyssa 5/31/18 7:24
 10888951	45	CARTRIDGE CASE	
			One cartridge case with the headstamp "FC 9MM LUGER."
			Recovered By: Carbone, Alyssa 8733
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.
			Impounded By: Carbone, Alyssa 5/31/18 7:27
 10888953	46	CARTRIDGE CASE	
			One cartridge case with the headstamp "FC 9MM LUGER."
			Recovered By: Carbone, Alyssa 8733
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.
			Impounded By: Carbone, Alyssa 5/31/18 7:30
 10888955	47	CARTRIDGE CASE	
			One cartridge case with the headstamp "FC 9MM LUGER."
			Recovered By: Carbone, Alyssa 8733
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.
			Impounded By: Carbone, Alyssa 5/31/18 7:33
 10888958	48	CARTRIDGE CASE	
			One cartridge case with the headstamp "FC 9MM LUGER."
			Recovered By: Carbone, Alyssa 8733
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.






SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
Impounded By: Carbone, Alyssa 5/31/18 7:36			
 10888959	49	CARTRIDGE CASE	
One cartridge case with the headstamp "FC 9MM LUGER."			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/28/2018			
Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.			
Impounded By: Carbone, Alyssa 5/31/18 7:38			
 10888961	50	CARTRIDGE CASE	
One cartridge case with the headstamp "FC 9MM LUGER."			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/28/2018			
Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.			
Impounded By: Carbone, Alyssa 5/31/18 7:41			
 10888965	51	CARTRIDGE CASE	
One cartridge case with the headstamp "FC 9MM LUGER."			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/28/2018			
Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, north of the suspect.			
Impounded By: Carbone, Alyssa 5/31/18 7:44			
 10888967	52	CARTRIDGE CASE	
One cartridge case with the headstamp "FC 9MM LUGER."			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/28/2018			
Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.			
Impounded By: Carbone, Alyssa 5/31/18 7:46			
 10888971	53	CARTRIDGE CASE	

One cartridge case with the headstamp "FC 9MM LUGER."

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.	
		Impounded By: Carbone, Alyssa 5/31/18 7:50	



10888973

54 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 7:53**



10888975

55 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 7:56**



10888978

56 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 8:00**



10888979

57 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 8:02**

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
 10888982	58	CARTRIDGE CASE	

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: Carbone, Alyssa 5/31/18 8:05

 10888983	59	CARTRIDGE CASE	
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One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: Carbone, Alyssa 5/31/18 8:13

 10888984	60	CARTRIDGE CASE	
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One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: Carbone, Alyssa 5/31/18 8:16

 10888987	61	CARTRIDGE CASE	
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One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: Carbone, Alyssa 5/31/18 8:18

 10889007	62	CARTRIDGE CASE	
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One cartridge case with the headstamp "FC 9MM LUGER."

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.	
		Impounded By: Carbone, Alyssa 5/31/18 9:13	



10889008

63 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 9:15**



10889009

64 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 9:16**



10889013

65 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 9:22**



10889014

66 CARTRIDGE CASE

One cartridge case with the headstamp "FC 9MM LUGER."

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/28/2018**

Recovery Address / Location: **2300 Tocayo Avenue - Suspect located in the middle of intersection of Tocayo Ave. and Hollister St. Collected from the asphalt, northeast of the suspect.**

Impounded By: **Carbone, Alyssa 5/31/18 9:23**



10889026

67 CARTRIDGE CASE

SAN DIEGO POLICE DEPARTMENT


Property Report


Incident Number: **18050043895**

Case Number: **18-602576**


Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
			One bean bag shotgun shell case with the headstamp "CTS 12."
			Recovered By: Carbone, Alyssa 8733
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Avenue - East of the residence located at [REDACTED] Gayo Court Collected from inside of the storm drain in the east sidewalk of Hollister Street.
			Impounded By: Carbone, Alyssa 5/31/18 9:39

 10889055	68	IDENTIFICATION CARD	
			Raul RIVERA ID Card
			Recovered By: BEARD, JANA 4807
			Date Recovered: 05/28/2018
			Recovery Address / Location: 2300 Tocayo Ave From T. BRYAN
			Transported By: BEARD, JANA 4807 on 5/28/18 0300
			Impounded By: KATHERINE ALLISON 5/31/18 10:35

 10889057	69	CD / DVD	
			See comments
			Recovered By: ALLISON, KATHERINE 5806
			Date Recovered: 05/31/2018
			Recovery Address / Location: 1401 Broadway Digital Media
			Transported By: BEARD, JANA 4807 on 5/28/18 0300
			Impounded By: KATHERINE ALLISON 5/31/18 10:40

NOTES: 1. Able Video
2. Audio of communications
3. Officer processing photos
4. Scene photos 1-251
5. Scene photos 252-511
6. Autopsy photos
7. Audio of briefing
8. BWC

 10889065	70	FIREARM PROCESSING KIT	
			One Firearms Processing Packet for Officer Martinez's Glock S/N: [REDACTED]
			Recovered By: REBICK, TONIANN 8154
			Date Recovered: 05/29/2018
			Recovery Address / Location: 1401 Broadway Lab
			Impounded By: Rebick, Toniann 5/31/18 10:57

NOTES: One Firearms Processing Packet for Officer Martinez's Glock S/N: [REDACTED] -T. Rebick #8154 05/29/18
-Bore swab, mag contents x4, chamber contents, test fires

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
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71 BAG

One paper bag.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Removed and collected from around the suspect's left foot.**

Impounded By: **Carbone, Alyssa 5/31/18 11:29**



72 BAG

One paper bag.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Removed and collected from around the suspect's left hand.**

Impounded By: **Carbone, Alyssa 5/31/18 11:32**



73 BAG

One paper bag.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Removed and collected from around the suspect's right foot.**

Impounded By: **Carbone, Alyssa 5/31/18 11:34**



74 BAG

One paper bag.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Removed and collected from around the suspect's right hand.**

Impounded By: **Carbone, Alyssa 5/31/18 11:35**



75 BAG

One paper bag.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Removed and collected from around the suspect's head.**

Impounded By: **Carbone, Alyssa 5/31/18 11:36**


SAN DIEGO POLICE DEPARTMENT


Property Report


Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
 10889085	76	OTHER - See Additional Description for Further	
Taser wire.			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/29/2018			
Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S)			
RIVERA, Raul (ME #18-1312) Collected from around the suspect.			
Impounded By: Carbone, Alyssa 5/31/18 11:37			

 10889088	77	OTHER - See Additional Description for Further	
One Taser probe with apparent bloodstains on it.			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/29/2018			
Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S)			
RIVERA, Raul (ME #18-1312) Removed and collected from the suspect's right hand.			
Impounded By: Carbone, Alyssa 5/31/18 11:39			

 10889091	78	SHOES	
Left shoe and sock. See comments.			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/29/2018			
Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S)			
RIVERA, Raul (ME #18-1312) Removed and collected from the suspect's left foot.			
Impounded By: Carbone, Alyssa 5/31/18 11:47			


NOTES: *****

AMC 8733 5/31/2018

This item consists of the following:

- One size "11," gray and white, Converse All-Star athletic shoe with apparent bloodstains and dirt on it.
- One white and gray crew sock with apparent bloodstains, apparent hair and dirt on it.

*****END*****

 10889097	79	SHOES	
Right shoe and sock. See comments.			
Recovered By: Carbone, Alyssa 8733			
Date Recovered: 05/29/2018			
Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S)			
RIVERA, Raul (ME #18-1312) Removed and collected from the suspect's right foot.			

SAN DIEGO POLICE DEPARTMENT
Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
Impounded By: Carbone, Alyssa 5/31/18 11:57			

NOTES: *****

AMC 8733 5/31/2018

This item consists of the following:

- One size "11," gray and white, Converse All-Star, athletic shoe with apparent bloodstains and dirt on it.
- One white and gray, crew sock with apparent bloodstains, apparent hair and dirt on it.

*****END*****

 10889121	80	CLOTHING
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Jeans. See comments.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)
RIVERA, Raul (ME #18-1312) Removed and collected from the suspect.**


Impounded By: Carbone, Alyssa 5/31/18 12:36

NOTES: *****

AMC 8733 5/31/2018

One pair of size "W36 L32," blue denim, "LEVI STRAUSS & CO." jeans with apparent bloodstains, apparent hair and dirt on them and holes and medical intervention cuts in them. There is a black, leather-like belt with a silver-colored belt buckle threaded through the belt loops of the jeans.

*****END*****

 10889123	81	CLOTHING
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Shirt. See comments.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)
RIVERA, Raul (ME #18-1312) Removed and collected from the suspect.**

Impounded By: Carbone, Alyssa 5/31/18 12:38

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:


BarCode	Item #	Item Type	Description
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NOTES: *****

AMC 8733 5/31/2018

One gray, short-sleeved shirt with apparent bloodstains and white stains on it and holes and medical intervention cuts in it. "ARMY" is screen printed in black on the front of the shirt and an apparent "A" is screen printed in black on the back of the shirt. There are two Taser probes attached to the front of the shirt and a metal fragment on the back of the shirt. The metal fragment was removed (during the autopsy) and impounded under 10889125.

*****END*****

	82	OTHER - See Additional Description for Further	
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One metal fragment.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Collected from the back (exterior) of the suspect's shirt (10889123), during the autopsy.**

Impounded By: **Carbone, Alyssa 5/31/18 12:39**

	83	LABORATORY EVIDENCE	
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Butcher paper containing possible trace evidence.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/31/2018**

Recovery Address / Location: **SDPD Crime Scene Unit Collected from bottom of drying hood #5, which contained suspect's clothing (10889121 - jeans and 10889123 - shirt).**

Impounded By: **Carbone, Alyssa 5/31/18 13:38**

	84	LABORATORY EVIDENCE	
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Fingernail scrapings.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Collected from the suspect's left hand.**

Impounded By: **Carbone, Alyssa 5/31/18 13:44**

	85	LABORATORY EVIDENCE	
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Fingernail scrapings.

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/29/2018	
		Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S)	
		RIVERA, Raul (ME #18-1312) Collected from the suspect's right hand.	
		Impounded By: Carbone, Alyssa 5/31/18 13:45	



10889156

86 LABORATORY
EVIDENCE

Plucked head hair.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Collected from the suspect.

Impounded By: **Carbone, Alyssa 5/31/18 13:46**



10889157

87 MOUTH SWAB

Two reference mouth swabs (used simultaneously).

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Collected from the suspect.

Impounded By: **Carbone, Alyssa 5/31/18 13:48**



10889159

88 BULLET (Fired-Not
Ammo)

One sealed envelope labeled "Projectile: Left Posterior Thigh" containing one copper jacketed bullet.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson, during the autopsy.

Impounded By: **Carbone, Alyssa 5/31/18 13:49**



10889160

89 BULLET (Fired-Not
Ammo)

One sealed envelope labeled "Projectile & Fragment: Left Upper Chest" containing one copper jacketed bullet and one bullet fragment.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson, during the autopsy.

Impounded By: **Carbone, Alyssa 5/31/18 13:51**


SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
 10889162	90	BULLET (Fired-Not Ammo)	


One sealed envelope labeled "Projectile: Left Mid Chest" containing one copper jacketed bullet.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)
RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson,
during the autopsy.**

Impounded By: **Carbone, Alyssa 5/31/18 13:53**

 10889163	91	BULLET (Fired-Not Ammo)	
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One sealed envelope labeled "Right Arm Projectile Fragments" containing one copper jacketed bullet and one bullet fragment.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)
RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson,
during the autopsy.**

Impounded By: **Carbone, Alyssa 5/31/18 13:54**

 10889164	92	BULLET (Fired-Not Ammo)	
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One sealed envelope labeled "Projectile: Spine," containing one copper jacketed bullet.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)
RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson,
during the autopsy.**

Impounded By: **Carbone, Alyssa 5/31/18 13:55**

 10889165	93	BULLET (Fired-Not Ammo)	
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One sealed envelope labeled "Projectile: Left Arm" containing one copper jacketed bullet.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)
RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson,
during the autopsy.**

Impounded By: **Carbone, Alyssa 5/31/18 13:56**

SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
 10889166	94	BULLET (Fired-Not Ammo)	

One sealed envelope labeled "Projectile & Fragments: Pelvis" containing one copper jacketed bullet and five bullet fragments.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson, during the autopsy.

Impounded By: **Carbone, Alyssa 5/31/18 13:57**

 10889167	95	BULLET (Fired-Not Ammo)	
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One sealed envelope labeled "Projectile: Left Axilla" containing one copper jacketed bullet.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson, during the autopsy.

Impounded By: **Carbone, Alyssa 5/31/18 13:58**

 10889168	96	LABORATORY EVIDENCE	
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One set of inked finger and palm prints.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson, during the autopsy.

Impounded By: **Carbone, Alyssa 5/31/18 14:00**

 10889170	97	BLOOD VIAL	
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One vial of the suspect's blood.

Recovered By: **Carbone, Alyssa 8733**

Date Recovered: **05/29/2018**

Recovery Address / Location: **San Diego County Medical Examiner's Office - Autopsy: (S)**

RIVERA, Raul (ME #18-1312) Received from Forensic Autopsy Specialist S. Nelson, during the autopsy.

Impounded By: **Carbone, Alyssa 5/31/18 14:01**

 10889171	98	LABORATORY EVIDENCE	
---	----	---------------------	--

One reference bloodstain card.






SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
Recovered By: Carbone, Alyssa 8733 Date Recovered: 05/31/2018 Recovery Address / Location: SDPD Crime Scene Unit Prepared from the vial of the suspect's blood (10889170). Impounded By: Carbone, Alyssa 5/31/18 14:03			
 10890281	99	BULLET (Fired-Not Ammo)	One copper jacketed bullet. Recovered By: Carbone, Alyssa 8733 Date Recovered: 06/01/2018 Recovery Address / Location: SDPD Northwestern Impound Facility - Vehicle Processing: Border Patrol Tahoe (US Gov. [REDACTED]) Collected from inside of the driver-side fender (compartment behind the driver-side headlight). Impounded By: Carbone, Alyssa 6/4/18 8:53
 10890282	100	BULLET (Fired-Not Ammo)	One metal fragment. Recovered By: Carbone, Alyssa 8733 Date Recovered: 06/01/2018 Recovery Address / Location: SDPD Northwestern Impound Facility - Vehicle Processing: Border Patrol Tahoe (US Gov. [REDACTED]) Collected from the front passenger floorboard. Impounded By: Carbone, Alyssa 6/4/18 8:58
 10890284	101	CD / DVD	One "Master" DVD containing digital images #1 through #251 of the scene. Recovered By: Carbone, Alyssa 8733 Date Recovered: 05/28/2018 Recovery Address / Location: 2300 Tocayo Avenue Master - Scene Impounded By: Carbone, Alyssa 6/4/18 9:00
 10890285	102	CD / DVD	One "Working Copy" DVD containing digital images #1 through #251 of the scene. Recovered By: Carbone, Alyssa 8733 Date Recovered: 05/28/2018 Recovery Address / Location: 2300 Tocayo Avenue Working - Scene Impounded By: Carbone, Alyssa 6/4/18 9:01
 10890286	103	CD / DVD	One "Master" DVD containing digital images #252 through #511 of the scene.

SAN DIEGO POLICE DEPARTMENT


Property Report


Incident Number: **18050043895**


Case Number: **18-602576**


Suspect: **RIVERA, RAUL** DOB:


BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue Master - Scene	
		Impounded By: Carbone, Alyssa 6/4/18 9:02	

 10890287	104	CD / DVD	One "Working Copy" DVD containing digital images #252 through #511 of the scene.
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/28/2018	
		Recovery Address / Location: 2300 Tocayo Avenue Working - Scene	
		Impounded By: Carbone, Alyssa 6/4/18 9:03	

 10890288	105	CD / DVD	One "Master" DVD containing digital images #512 through #902 of the autopsy.
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/29/2018	
		Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Master - Autopsy	
		Impounded By: Carbone, Alyssa 6/4/18 9:04	

 10890290	106	CD / DVD	One "Working Copy" DVD containing digital images #512 through #902 of the autopsy.
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 05/29/2018	
		Recovery Address / Location: San Diego County Medical Examiner's Office - Autopsy: (S) RIVERA, Raul (ME #18-1312) Working - Autopsy	
		Impounded By: Carbone, Alyssa 6/4/18 9:05	

 10890291	107	CD / DVD	One "Master" DVD containing digital images #903 through #1052 of the vehicle processing.
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 06/01/2018	
		Recovery Address / Location: SDPD Northwestern Impound Facility - Vehicle Processing: Border Patrol Tahoe (US Gov. ██████████) Master - Vehicle Processing	
		Impounded By: Carbone, Alyssa 6/4/18 9:06	

 10890292	108	CD / DVD	One "Working Copy" DVD containing digital images #903 through #1052 of the vehicle processing.
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SAN DIEGO POLICE DEPARTMENT

Property Report

Incident Number: **18050043895**

Case Number: **18-602576**

Suspect: **RIVERA, RAUL** DOB:

BarCode	Item #	Item Type	Description
		Recovered By: Carbone, Alyssa 8733	
		Date Recovered: 06/01/2018	
		Recovery Address / Location: SDPD Northwestern Impound Facility - Vehicle Processing:	
		Border Patrol Tahoe (US Gov. [REDACTED]) Working - Vehicle Processing	
		Impounded By: Carbone, Alyssa 6/4/18 9:07	



10894102

109 CD / DVD

See comments

Recovered By: **ALLISON, KATHERINE 5806**

Date Recovered: **06/14/2018**

Recovery Address / Location: **1401 Broadway Digital Media**

Transported By: **ALLISON, KATHERINE 5806** on 6/14/18 0600

Impounded By: **KATHERINE ALLISON 6/14/18 6:07**

NOTES: 1. CD with Border Patrol Witness interviews

2. Communications audio CD

3. CD with vehicle processing photos

4. BP communications audio recording

5. CD with witness interviews of Ofc. MUNIZ, Ofc. MENDOZA, [REDACTED]

6. CD with Det. Leahy interviews, walk through audio recordings and Shooting officer interviews

7. Audio of interviews with Ofc. Daniel CASTELLANOS [REDACTED]



10894214

110 CD / DVD

CD containing extraction from RIVERA SIM card

Recovered By: **ALLISON, KATHERINE 5806**

Date Recovered: **06/14/2018**

Recovery Address / Location: **1401 Broadway Digital Media**

Transported By: **ALLISON, KATHERINE 5806** on 6/14/18 1130

Impounded By: **KATHERINE ALLISON 6/14/18 11:38**

**CUSTODY RECEIPT for
SEIZED PROPERTY and EVIDENCE**

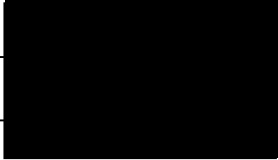
Handbook 5200-09

1. FPF No. □□□□□□□□□□□□□□□□		2. Incident No. 180528-1□□□□□□□□□□	
3. Investigative Case No. □□□□□□□□□□□□□□□□		4. Enforce No. □□□□□□□□□□□□□□□□	
5. Prior Detention? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, DHS 6051D No. _____		6. Date Seized (mm/dd/yyyy) 06/01/2018	7. Time Seized (Use 24 Hrs)
9. Seized From: Name: <u>TACTICAL COMM CENTER</u> Address: <u>3752 BEYER BLVD</u> <u>SAN VICENTE, CA 92173</u> Telephone No. () Ext: _____		10. Entry No. 001	
		11. Seal or Other ID Nos.	
13. Send Correspondence to:		12. Remarks: DISPATCH AUDIO TMS FREE 1 SDPD OIS 5/27/18	

14. PROPERTY (By Line Item) Attach DHS Form 58 if conveyance

a. Line Item No.	b. Description	c. Packages		d. Measurements		e. Est. Dom. Value
		Number	Type	Qty.	UM	
001	DISPATCH AUDIO	1	CD	—	—	\$ —
	5/27/18 2300-0300					\$
						\$
						\$
						\$
						\$

15. Seizing Officer <u>SEAN S. ISHAM</u> Print Name	06/01/2018 Date
---	--------------------

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
001	DISPATCH AUDIO CD 5/27/18 2300-0300	A/SGT. D. BURTON ⁵²⁴⁸		6/8/2018

DHS Form 6051A Continuation Sheet Attached? Yes ☐ No ☒

DHS retains original

Previous editions are obsolete

No. 5712073

Handbook 5200-09

14. PROPERTY (By Line Item) Attach DHS Form 58 if conveyance						
a. Line Item No.	b. Description	c. Packages		d. Measurements		e. Est. Dom. Value
		Number	Type	Qty.	UM	
001	DISPATCH Audio	1	CD	—	—	\$ —
	5/27/18 2300-0300					\$
						\$
						\$
						\$
						\$

15. Seizing Officer	<u>JEAN S. TSAM</u>	<u>06 01 2018</u>
Print Name		Date

[illegible]

DHS Form 6051A Continuation Sheet Attached? Yes ☐ No ☒

DHS retains original

Previous editions are obsolete



Page _____

San Diego Police Department

**INTERNAL CHAIN
OF CUSTODY**

Forensic Science Section

Victim(s) SDPD Officer M. Martinez # 7591

Suspect(s) Raul RIVERA

Incident # 18050043895 Case # 18-602574

Released By: Name/ID <u>Dawson 5262</u> <u>in CSU studio</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>(1) unsealed box containing (1) Glock with (1) magazine seated and (3) spare magazines</u> Purpose <u>transfer chain of custody</u> Date <u>5-28-18 @ 0748</u>
Released By: Name/ID <u>H. Morreira # 8702</u> <u>in Gun Locker</u>	Received By <u>T. Rebach</u> ID# <u>8151</u> Items Received <u>(1) unsealed box containing (1) Glock handgun with (1) magazine seated and (3) spare magazines</u> Purpose <u>render safe / unload</u> Date <u>05/29/18 0900</u>
Released By: Name/ID <u>[Redacted] #8702</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>(1) unsealed box w/ Glock pistol w/ (4) Glock magazines - (unloaded)</u> Purpose <u>transfer chain of custody</u> Date <u>05/29/18 1230</u>
Released By: Name/ID <u>H. Morreira # 8702</u> <u>in CSU</u>	Received By <u>[Redacted]</u> ID# <u>S869</u> Items Received <u>(1) unsealed box with Glock handgun with (4) magazines and light detached</u> Purpose <u>transfer chain of custody</u> Date <u>5-31-18 @</u>
Released By: <u>Homicide</u> Name/ID	Received By _____ ID# <u>6-1-18 @ 1241</u> Items Received _____ Purpose _____ Date _____



Page _____

San Diego Police Department

**INTERNAL CHAIN
OF CUSTODY**

Forensic Science Section

Victim(s) SDPD Officer W. Carter-Torres # 7709
Suspect(s) RAUL RIVERA

Incident # <u>180 500 43895</u> Case # <u>18-602576</u>	
Released By: <u>in CSU</u> Name/ID <u>LEAHY</u> <u>#8869</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>(1) unsealed box containing (1) Glock handgun</u> <u>w/ (1) magazine seated and (2) spare magazine</u> Purpose <u>transfer chain of custody</u> Date <u>5-28-18 @ 0823</u>
Released By: Name/ID <u>H. Morreira</u> <u>#8702</u> <u>in Gun Locker</u>	Received By <u>Bellw 20</u> ID# <u>8176</u> Items Received <u>(1) unsealed box containing (1) Glock handgun</u> <u>s/n # [REDACTED] w/ (1) magazine seated and (2) spare magazine</u> Purpose <u>render safe / unload</u> Date <u>5-29-18</u>
Released By: Name/ID <u>Bul #8176</u> <u>IN Gun Locker</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>GLOCK s/n # [REDACTED] & 3 mags</u> Purpose <u>transfer chain of custody</u> Date <u>5-30-18 @ 0819</u>
Released By: Name/ID <u>H. Morreira</u> <u>#8702</u> <u>in CSU</u>	Received By <u>[Signature]</u> ID# <u>8869</u> Items Received <u>(1) unsealed box with Glock handgun</u> <u>and (3) magazines</u> Purpose <u>transfer chain of custody</u> Date <u>5-31-18</u>
Released By: Name/ID <u>Homicide</u>	Received By _____ ID# _____ Items Received _____ Purpose _____ Date <u>6-1-18 @ 1242</u>



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San Diego Police Department

**INTERNAL CHAIN
OF CUSTODY**

Forensic Science Section

Victim(s) SDPD Officer S. Rodriguez #6941

Suspect(s) RAUL RIVERA

Incident # 1805 0043895 Case # 18-602574

Released By: Name/ID <u>D. Buerger #5248</u> <u>in CSU studio</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>(1) unsealed box containing Glock handgun with (1) magazine seated and (2) spare magazines</u> Purpose <u>transfer chain of custody</u> Date <u>5-28-18 @ 0730</u>
Released By: Name/ID <u>H. Morreira #8702</u> <u>in Gun Locker</u>	Received By <u>Lisa Wilson</u> ID# <u>8512</u> Items Received <u>(1) unsealed box containing Glock handgun with (1) magazine seated and (2) spare magazines</u> Purpose <u>render safe / unload</u> Date <u>29 May 18 0820hrs</u>
Released By: Name/ID <u>L. Wilson 8512</u> <u>to Gun Locker</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>one pistol (XF2969) + three mags</u> Purpose <u>transfer chain of custody</u> Date <u>30 May 18 1010hrs</u>
Released By: Name/ID <u>H. Morreira #8702</u> <u>in CSU</u>	Received By <u>[Signature]</u> ID# <u>5869</u> Items Received <u>(1) unsealed box with Glock handgun and (3) magazines and light attached</u> Purpose <u>transfer chain of custody</u> Date <u>5-31-18</u>
Released By: Name/ID <u>Homicide</u>	Received By _____ ID# _____ Items Received _____ Purpose _____ Date _____



Page _____

INTERNAL CHAIN OF CUSTODY

San Diego Police Department

Forensic Science Section

Victim(s) _____

Suspect(s) RIVERA, Raul

Incident # <u>18050043895</u>		Case # <u>18-602576</u>	
Released By: Name/ID <u>A. Carbone #8733</u> <u>1236.1.18 in</u> <u>In the CSO homicide</u> <u>J. BERNER 879</u> <u>for A. Carbone</u>	Received By <u>[Signature]</u> ID# <u>5869</u>	Items Received <u>(2) pairs of handcuffs (part of placard 2)</u>	Purpose <u>Return to officer</u> Date <u>6.1.2018</u>
Released By: Name/ID	Received By _____ ID# <u>1242 HRS</u>	Items Received _____	Purpose _____ Date _____
Released By: Name/ID	Received By _____ ID# _____	Items Received _____	Purpose _____ Date _____
Released By: Name/ID	Received By _____ ID# _____	Items Received _____	Purpose _____ Date _____
Released By: Name/ID	Received By _____ ID# _____	Items Received _____	Purpose _____ Date _____



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



CRIME SCENE UNIT LABORATORY REPORT

VICTIM:	SDPD Officer M. Martinez, ID #7591
VICTIM:	SDPD Officer S. Rodriguez, ID #6941
VICTIM:	SDPD Officer W. Carter-Torres, ID #7709
SUSPECT:	RIVERA, Raul
CHARGE:	981000 ZZ (OIS/Special Investigation) / 245(c) PC
INCIDENT #:	18050043895
CASE #:	18-602576 / 18-016572
HOMICIDE TEAM V:	Detective K. Allison / Acting Sergeant C. Leahy
DATE OF INCIDENT:	May 27, 2018 (Sunday)
SCENE LOCATION:	2300 Tocayo Avenue
CRIME SCENE SPECIALIST:	Alyssa Carbone
CRIMINALIST:	Adam Dutra

CRIME SCENE UNIT REPORT 1

Scene

I arrived at the scene located at 2300 Tocayo Avenue on May 28, 2018, at approximately 0035 hours. I met Criminalist A. Dutra, ID #8236, Acting Sergeant C. Leahy, ID #5869, Detective K. Allison, ID #5806, and other members of Homicide Team V, at this location. I took digital images #1 through #511 starting at approximately 0112 hours. I collected items of evidence starting at approximately 0412 hours.

The suspect was located in the middle of the intersection of Tocayo Avenue and Hollister Street.

Photography

#1 - #2:	Views of the street signs at the intersection of Tocayo Avenue and Hollister Street.
#3 - #21:	Views of the 2300 block of Tocayo Avenue, facing east.
#22 - #39:	Views of the 2300 block of Tocayo Avenue, facing west.
#40 - #46:	Views of the 2300 block of Tocayo Avenue, facing north.
#47 - #53:	Views of the 2300 block of Tocayo Avenue, facing south.

CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #18050043895
Case #18-602576
June 6, 2018
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- #54 - #57: Views of the vehicle (facing west) parked in the eastbound lane of the 2300 block of Tocayo Avenue, northeast of the residence located at [REDACTED] Biola Avenue.
- #58 - #60: Views of the vehicle parked along the north curbline of the 2300 block of Tocayo Avenue, north of the residence located at [REDACTED] Biola Avenue.
- #61 - #62: Views of the street signs at the intersection of Tocayo Avenue and Hollister Street.
- #63 - #72: Views of the 1800 block of Hollister Street, facing south.
- #73 - #81: Views of the 1800 block of Hollister Street, facing north.
- #82 - #84: Views of the 1800 block of Hollister Street, facing east.
- #85 - #87: Views of the 1800 block of Hollister Street, facing west.
- #88 - #89: Views of the street signs at the intersection of Tocayo Avenue and Hollister Street.
- #90 - #104: Views of the 2200 block of Tocayo Avenue, facing west.
- #105 - #119: Views of the 2200 block of Tocayo Avenue, facing east.
- #120 - #125: Views of the 2200 block of Tocayo Avenue, facing south.
- #126 - #130: Views of the 2200 block of Tocayo Avenue, facing north.
- #131 - #133: Views of the vehicle parked along the north curbline of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.
- #134 - #135: Views of the street signs at the intersection of Tocayo Avenue and Hollister Street.
- #136 - #145: Views of the 1800 block of Hollister Street, facing north.
- #146 - #154: Views of the 1800 block of Hollister Street, facing south.
- #155 - #157: Views of the 1800 block of Hollister Street, facing east.
- #158 - #162: Views of the 1800 block of Hollister Street, facing west.
- #163 - #171: Views of the vehicles parked along the west curbline of the 1800 block of Hollister Street.

CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #18050043895
Case #18-602576
June 6, 2018
Page 3 of 21

- #172 - #173: Views of the street signs at the intersection of Tocayo Avenue and Hollister Street.
- #174 - #177: Views of the vehicle parked along the east curbline of Hollister Street, northwest of the residence located at [REDACTED] Biola Avenue.
- #178 - #179: Views of the street signs at the intersection of Tocayo Avenue and Hollister Street.
- #180 - #212: Views of the intersection of Tocayo Avenue and Hollister Street.
- #213 - #218: Views of the vehicles parked in the intersection of Tocayo Avenue and Hollister Street.
- #219 - #227: Views of the suspect located in the middle of the intersection of Tocayo Avenue and Hollister Street.
- #228 - #239: Views of the northeast corner of the intersection of Tocayo Avenue and Hollister Street.
- #240 - #244: Location views of the items of evidence identified with placards 1 through 4.
- #245 - #247: Views of the folding knife (placard 1).
- #248 - #249: Views of the hat, wallet and handcuffs (placard 2).
- #250: View of the pen (placard 3).
- #251: View of the apparent bloodstain (placard 4), from which a sample was collected.

Digital images #252 through #344 were taken during the Medical Examiner's preliminary examination of the suspect.

- #252 - #341: Views of the suspect.
- #342 - #344: Views of the sealed body bag, including the Medical Examiner's red lock and name tag.
- #345 - #348: Views of the asphalt, after the suspect was removed.

CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #18050043895
Case #18-602576
June 6, 2018
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The orange 1, 2 and 3 cones represent the approximate locations of San Diego Police Department Officers S. Rodriguez, ID #6941, W. Carter-Torres, ID #7709, and M. Martinez, ID #7591, established during the officer walkthroughs (cone 1: Rodriguez, cone 2: Carter-Torres, cone 3: Martinez).

#349 - #389: Location views of the items of evidence identified with placards 5 through 54 and orange cones 1 through 3.

#390: View of the Taser cartridge and wire (placard 5).

#391: View of the bean bag (placard 6).

#392: View of the Taser cartridge and wire (placard 7).

#393 - #394: Views of the bean bag shotgun shell case (placard 8).

#395 - #397: Views of the bean bag shotgun shell case (placard 9).

#398 - #400: Views of the bean bag shotgun shell case (placard 10).

#401: View of the Taser probe and wire (placard 11).

#402: View of the bean bag (placard 12).

#403: View of the bean bag (placard 13).

#404: View of the bean bag (placard 14).

#405 - #406: Views of the bean bag shotgun shell case (placard 15).

#407 - #408: Views of the bean bag shotgun shell case (placard 16).

#409: View of the bean bag (placard 17).

#410: View of the bean bag (placard 18).

#411 - #417: Views of the storm drain in the east sidewalk of Hollister Street, east of the residence located at [REDACTED] Gayo Court.

#418 - #419: Location views of the item of evidence identified with placard 55.

CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #18050043895
Case #18-602576
June 6, 2018
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- #420: View of the bean bag shotgun shell case (placard 55).
- #421 - #422: Views of the bean bag shotgun shell case (placard 19).
- #423 - #424: Views of the bean bag shotgun shell case (placard 20).
- #425: View of the bean bag (placard 21).
- #426 - #427: Views of the bean bag shotgun shell case (placard 22).
- #428: View of the bean bag (placard 23).
- #429: View of the empty bean bag (placard 24).
- #430: View of the Taser cartridge and wire (placard 25).
- #431: View of the Taser cartridge and wire (placard 26).
- #432 - #433: Views of the cartridge case (placard 27).
- #434 - #435: Views of the cartridge case (placard 28).
- #436 - #437: Views of the cartridge case (placard 29).
- #438 - #439: Views of the cartridge case (placard 30).
- #440 - #441: Views of the cartridge case (placard 31).
- #442 - #443: Views of the cartridge case (placard 32).
- #444 - #445: Views of the cartridge case (placard 33).
- #446 - #447: Views of the cartridge case (placard 34).
- #448 - #449: Views of the cartridge case (placard 35).
- #450 - #451: Views of the cartridge case (placard 36).
- #452 - #453: Views of the cartridge case (placard 37).
- #454 - #455: Views of the cartridge case (placard 38).

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- #456 - #457: Views of the cartridge case (placard 39).
- #458 - #459: Views of the cartridge case (placard 40).
- #460 - #461: Views of the cartridge case (placard 41).
- #462 - #463: Views of the cartridge case (placard 42).
- #464 - #465: Views of the cartridge case (placard 43).
- #466 - #467: Views of the cartridge case (placard 44).
- #468 - #469: Views of the cartridge case (placard 45).
- #470 - #471: Views of the cartridge case (placard 46).
- #472 - #473: Views of the cartridge case (placard 47).
- #474 - #475: Views of the cartridge case (placard 48).
- #476 - #477: Views of the cartridge case (placard 49).
- #478: View of the cartridge case (placard 50).
- #479 - #480: Views of the cartridge case (placard 51).
- #481 - #482: Views of the cartridge case (placard 52).
- #483 - #484: Views of the cartridge case (placard 53).
- #485: View of the cartridge case (placard 54).
- #486 - #487: Views of the approximate locations (represented with orange cones 1 through 3) of where San Diego Police Department Officers S. Rodriguez, ID #6941, W. Carter-Torres, ID #7709, and M. Martinez, ID #7591, were standing.
- #488 - #491: Views of the approximate location (represented with the orange 1 cone) of where San Diego Police Department Officer S. Rodriguez, ID #6941, was standing and his perspective view.

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#492 - #495: Views of the approximate location (represented with the orange 2 cone) of where San Diego Police Department Officer W. Carter-Torres, ID #7709, was standing and his perspective view.

#496 - #499: Views of the approximate location (represented with the orange 3 cone) of where San Diego Police Department Officer M. Martinez, ID #7591, was standing and his perspective view.

Digital images #500 through #511 were taken of the marked "U.S Customs and Border Protection," Chevrolet Tahoe with United States Government license plate "DHS 209299," parked along the east curbline of the 1800 block of Hollister Street, northwest of the residence located at [REDACTED] Biola Avenue.

#500 - #501: Location views of the vehicle.

#502 - #505: Views of the exterior of the vehicle.

#506 - #511: Views of the apparent bullet holes in the vehicle.

Evidence

The following six items of evidence, identified with placards 1 through 6, were collected from the asphalt in the intersection of Tocayo Avenue and Hollister Street.

10888557: One black and silver-colored, "MTech USA BALLISTIC," model "MT-A929" folding knife (placard 1). This item was collected from the asphalt, south of the suspect.

10888593: This item (placard 2) consists of the following:

- One black, leather-like, Guess wallet with a gold-colored stripe and a silver-colored stripe on the exterior of it. The wallet contains the following:
 - One Social Security card in the name of Raul Rivera.
 - Three MasterCard credit cards in the name of Raul Rivera.
 - Three Visa credit cards in the name of Raul Rivera.
 - One Golden State Advantage credit card in the name of Raul Rivera.
 - One Community Health Group insurance card in the name of Raul L. Rivera.
 - One Compass Tap and Ride day pass card.
 - One San Diego Trolley receipt, dated "05/23/18."

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- Miscellaneous business cards.
- Two white plastic cards.
- Two pieces of paper with handwriting on them.
- One piece of cardboard with handwriting on it.
- One black, FlexFit, fitted hat with an image of a skull embroidered in white and green on the front of it.
- One pair of black handcuffs and one pair of silver-colored handcuffs attached to one another. There are apparent bloodstains on both pairs of handcuffs. "MENDOZA 5555" is etched into the pair of silver-colored handcuffs. This item was released to Acting Sergeant C. Leahy, ID #5869 in the San Diego Police Department Homicide Unit on June 1, 2018.

This item was collected from the asphalt, south of the suspect.

10888608: One black, Staples Sonix pen with apparent bloodstains on it (placard 3). This item was collected from the asphalt, south of the suspect.

10888616: One swab of an apparent bloodstain (placard 4). This item was collected from the asphalt, southeast of the suspect.

10888634: One Taser cartridge with wire attached to it (placard 5). There is one probe attached to the end of the wire. This item was collected from the asphalt, northwest of the suspect.

10888644: One bean bag from a bean bag shotgun shell (placard 6). This item was collected from the asphalt, northwest of the suspect.

10888667: One Taser cartridge with wire attached to it (placard 7). There is one probe attached to the end of the wire. This item was collected from the asphalt of the south westbound lane (number 1 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.

10888657: One bean bag shotgun shell case with the headstamp "CTS 12" (placard 8). This item was collected from the asphalt of the north westbound lane (number 2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.

10888675: One bean bag shotgun shell case with the headstamp "CTS 12" (placard 9). This item was collected from the asphalt of the south westbound lane (number 1 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.

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- 10888678:** One bean bag shotgun shell case with the headstamp "CTS 12" (placard 10). This item was collected from the asphalt of the south westbound lane (number 1 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.
- 10888684:** Taser wire with one probe attached to one end of it (placard 11). This item was collected from the asphalt of the south westbound lane (number 1 lane) of Tocayo Avenue, southwest of the residence located at [REDACTED] Gayo Court.
- 10888695:** One bean bag from a bean bag shotgun shell (placard 12). This item was collected from the asphalt of the north westbound lane (number 2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.
- 10888698:** One bean bag from a bean bag shotgun shell (placard 13). This item was collected from the asphalt of the north westbound lane (number 2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.
- 10888700:** One bean bag from a bean bag shotgun shell (placard 14). This item was collected from the north sidewalk of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.
- 10888705:** One bean bag shotgun shell case with the headstamp "CTS 12" (placard 15). This item was collected from the asphalt of the north westbound lane (number 2 lane) of Tocayo Avenue, south of the residence located at [REDACTED] Gayo Court.
- 10888710:** One bean bag shotgun shell case with the headstamp "CTS 12" (placard 16). This item was collected from the asphalt of the north westbound lane (number 2 lane) of Tocayo Avenue, southeast of the residence located at [REDACTED] Gayo Court.
- 10888720:** One bean bag from a bean bag shotgun shell (placard 17). This item was collected from the grass/shrub area in the northwest corner of the intersection of Tocayo Avenue and Hollister Street.
- 10888724:** One bean bag from a bean bag shotgun shell (placard 18). This item was collected from the asphalt in the northwest corner of the intersection of Tocayo Avenue and Hollister Street.
- 10888732:** One bean bag shotgun shell case with the headstamp "CTS 12" (placard 19). This item was collected from the east sidewalk of Hollister Avenue, east of the residence located at [REDACTED] Gayo Court.

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- 10888735:** One bean bag shotgun shell case with the headstamp "CTS 12" (placard 20). This item was collected from the east sidewalk of Hollister Avenue, east of the residence located at [REDACTED] Gayo Court.
- 10888736:** One bean bag from a bean bag shotgun shell (placard 21). This item was collected from the sidewalk in the northeast corner of the intersection of Tocayo Avenue and Hollister Street.
- 10888744:** One bean bag shotgun shell case with the headstamp "☆12☆" (placard 22). This item was collected from the sidewalk in the northeast corner of the intersection of Tocayo Avenue and Hollister Street.
- 10888747:** One bean bag from a bean bag shotgun shell (placard 23). This item was collected from the asphalt of the north shoulder of Tocayo Avenue, northwest of the residence located at [REDACTED] Biola Avenue.

The following thirty-one items of evidence, identified with placards 24 through 54, were collected from the asphalt in the intersection of Tocayo Avenue and Hollister Street.

- 10888749:** One empty bean bag from a bean bag shotgun shell (placard 24). This item was collected from the asphalt, north of the suspect.
- 10888751:** One Taser cartridge with wire attached to it (placard 25). There is one probe attached to the end of the wire. This item was collected from the asphalt, northwest of the suspect.
- 10888754:** One Taser cartridge with wire attached to it (placard 26). There is one probe attached to the end of the wire. This item was collected from the asphalt, northwest of the suspect.
- 10888939:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 27). This item was collected from the asphalt, northwest of the suspect.

The following twelve items of evidence, identified with placards 28 through 39, were collected from the asphalt, north of the suspect.

- 10888943:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 28).
- 10888945:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 29).

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- 10888947:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 30).
- 10888949:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 31).
- 10888950:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 32).
- 10888951:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 33).
- 10888953:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 34).
- 10888955:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 35).
- 10888958:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 36).
- 10888959:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 37).
- 10888961:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 38).
- 10888965:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 39).

The following fifteen items of evidence, identified with placards 40 through 54, were collected from the asphalt, northeast of the suspect.

- 10888967:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 40).
- 10888971:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 41).
- 10888973:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 42).
- 10888975:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 43).
- 10888978:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 44).
- 10888979:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 45).
- 10888982:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 46).
- 10888983:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 47).
- 10888984:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 48).

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- 10888987:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 49).
- 10889007:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 50).
- 10889008:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 51).
- 10889009:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 52).
- 10889013:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 53).
- 10889014:** One cartridge case with the headstamp "FC 9MM LUGER" (placard 54).
- 10889026:** One bean bag shotgun shell case with the headstamp "CTS 12" (placard 55). This item was collected from inside of the storm drain in the east sidewalk of Hollister Street, east of the residence located at [REDACTED] Gayo Court.

Autopsy

I arrived at the San Diego County Medical Examiner's Office on May 29, 2018, at approximately 0912 hours, to attend the autopsy of suspect Raul Rivera (ME #18-1312). I met Detective J. Beard, ID #4807, at this location. I took digital images #512 through #902 starting at approximately 0928 hours. I collected and/or received items of evidence starting at approximately 0936 hours.

Photography

- #512 - #515:** Views of the sealed body bag, including the Medical Examiner's red lock and name tag.
- #516 - #517:** Views of the suspect, before the sheet was untied.
- #518 - #519:** Views of the suspect, after the sheet was untied and before the head, hands and feet bags were removed.

Digital images #520 through #544 were taken of the victim in a clothed and unwashed condition.

- #520 - #533:** Views of the left, front and right sides of the suspect.

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#534 - #544: Views of the suspect's hands.

#545 - #558: Views of the suspect's jeans (10889121).

#559 - #596: Views of the suspect's shirt (10889123), including views of the metal fragment (10889125).

Digital images #597 through #671 were taken of the victim in an unclothed and unwashed condition.

#597 - #598: Views of the Taser probe (10889088) in the suspect's right hand.

#599 - #612: Views of the left, front and right sides of the suspect.

#613 - #618: Views of the apparent injuries and discoloration on the suspect's left arm and shoulder.

#619 - #624: Views of the apparent injuries on the suspect's torso.

#625 - #628: Views of the apparent injuries on the suspect's left arm.

#629 - #632: Views of the apparent injuries on the suspect's right leg.

#633 - #638: Views of the apparent injuries and discoloration on the suspect's torso.

#639 - #642: Views of the apparent injuries and discoloration on the suspect's right arm.

#643 - #644: Views of the apparent injury on the suspect's right leg.

#645 - #646: Views of the discoloration on the suspect's torso.

#647 - #651: Views of the back side of the suspect.

#652 - #667: Views of the apparent injuries and discoloration on the suspect's back and buttocks.

#668 - #671: Views of the apparent injuries on the suspect's left leg.

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Digital images #672 through #860 were taken of the victim in an unclothed and washed condition.

- #672 - #685: Views of the left, front and right sides of the suspect.
- #686 - #692: Views of the apparent injuries and discoloration on the suspect's left hand and arm.
- #693 - #694: Views of the apparent injury on the suspect's torso.
- #695 - #706: Views of the apparent injuries, discoloration and tattoos on the suspect's left arm.
- #707 - #712: Views of the apparent injury, tattoo and apparent scar on the suspect's left shoulder.
- #713 - #724: Views of the apparent injuries and apparent scar on the suspect's face and chin.
- #725 - #726: Views of the tattoo on the suspect's head.
- #727 - #728: Views of the injury and discoloration on the suspect's torso.
- #729 - #742: Views of the apparent injuries, discoloration and tattoos on the suspect's right arm, hand and shoulder.
- #743 - #751: Views of the tattoo, apparent injuries and discoloration on the suspect's torso.
- #752 - #755: Views of the discoloration and tattoo on the suspect's right hand.
- #756 - #761: Views of the apparent injury and discoloration on the suspect's torso.
- #762 - #765: Views of the apparent injury and apparent scar on the suspect's right leg.
- #766 - #767: Views of the apparent injury on the suspect's left leg.
- #768 - #772: Views of the apparent injuries and discoloration on the suspect's right leg.
- #773 - #774: Views of the apparent injury and discoloration on the suspect's left leg.
- #775 - #776: Views of the apparent injury on the suspect's right leg.
- #777 - #792: Views of the apparent injuries, discoloration and tattoos on the suspect's torso.

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- #793 - #804: Views of the suspect's hands.
- #805 - #809: Views of the back side of the suspect.
- #810 - #825: Views of the apparent injuries and discoloration on the suspect's back and buttocks.
- #826 - #829: Views of the tattoos on the suspect's back.
- #830 - #833: Views of the apparent injuries on the suspect's back.
- #834 - #839: Views of the apparent injuries and discoloration on the suspect's left leg.
- #840 - #843: Views of the apparent trajectory, as determined by Dr. Snyder.
- #844 - #855: Views of the X-rays taken of the suspect.
- #856 - #860: Views of the apparent trajectory, as determined by Dr. Snyder.
- #861 - #863: Views of the copper jacketed bullet (10889159).
- #864 - #871: Views of the suspect, taken at the direction of Dr. Snyder.
- #872 - #877: Views of the copper jacketed bullet and fragment (10889160).
- #878 - #879: Views of the copper jacketed bullet (10889162).
- #880 - #885: Views of the copper jacketed bullet and fragment (10889163).
- #886 - #889: Views of the suspect, taken at the direction of Dr. Snyder.
- #890 - #892: Views of the copper jacketed bullet (10889164).
- #893 - #896: Views of the copper jacketed bullet (10889165).
- #897 - #900: Views of the copper jacketed bullet and fragments (10889166).
- #901 - #902: Views of the copper jacketed bullet (10889167).

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Evidence

- 10889076:** One paper bag. This item was removed and collected from around the suspect's left foot.
- 10889080:** One paper bag. This item was removed and collected from around the suspect's left hand.
- 10889081:** One paper bag. This item was removed and collected from around the suspect's right foot.
- 10889083:** One paper bag. This item was removed and collected from around the suspect's right hand.
- 10889084:** One paper bag. This item was removed and collected from around the suspect's head.
- 10889085:** Taser wire. This item was collected from around the suspect.
- 10889088:** One Taser probe with apparent bloodstains on it. This item was removed and collected from the suspect's right hand.
- 10889091:** This item consists of the following:
- One size "11," gray and white, Converse All-Star, athletic shoe with apparent bloodstains and dirt on it.
 - One white and gray, crew sock with apparent bloodstains, apparent hair and dirt on it.
- This item was removed and collected from the suspect's left foot.
- 10889097:** This item consists of the following:
- One size "11," gray and white, Converse All-Star, athletic shoe with apparent bloodstains and dirt on it.
 - One white and gray, crew sock with apparent bloodstains, apparent hair and dirt on it.
- This item was removed and collected from the suspect's right foot.
- 10889121:** One pair of size "W36 L32," blue denim, "LEVI STRAUSS & CO." jeans with apparent bloodstains, apparent hair and dirt on them and holes and apparent medical intervention cuts in them. There is a black, leather-like belt with a silver-colored belt buckle threaded through the belt loops of the jeans. This item was removed and collected from the suspect.

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- 10889123:** One gray, short-sleeved shirt with apparent bloodstains and white stains on it and holes and apparent medical intervention cuts in it. "ARMY" is screen printed in black on the front of the shirt and an apparent "A" is screen printed in black on the back of the shirt. There are two Taser probes attached to the front of the shirt and a metal fragment on the back of the shirt. The metal fragment was removed (during the autopsy) and impounded under *10889125*. This item was removed and collected from the suspect.
- 10889125:** One metal fragment. This item was collected from the back (exterior) of the suspect's shirt (*10889123*), during the autopsy.
- 10889153:** Butcher paper containing possible trace evidence. This item was collected from the bottom of drying hood #5 in the San Diego Police Department Crime Scene Unit, which contained the suspect's clothing (*10889121* - jeans and *10889123* - shirt).
- 10889154:** Fingernail scrapings. This item was collected from the suspect's left hand.
- 10889155:** Fingernail scrapings. This item was collected from the suspect's right hand.
- 10889156:** Plucked head hair.
- 10889157:** Two reference mouth swabs (used simultaneously).

I received the following ten items of evidence from Forensic Autopsy Specialist S. Nelson, during the autopsy.

- 10889159:** One sealed envelope labeled "Projectile: Left Posterior Thigh" containing one copper jacketed bullet.
- 10889160:** One sealed envelope labeled "Projectile & Fragment: Left Upper Chest" containing one copper jacketed bullet and one bullet fragment.
- 10889162:** One sealed envelope labeled "Projectile: Left Mid Chest" containing one copper jacketed bullet.
- 10889163:** One sealed envelope labeled "Right Arm Projectile Fragments" containing one copper jacketed bullet and one bullet fragment.
- 10889164:** One sealed envelope labeled "Projectile: Spine" containing one copper jacketed bullet.

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- 10889165:** One sealed envelope labeled "Projectile: Left Arm" containing one copper jacketed bullet.
- 10889166:** One sealed envelope labeled "Projectile & Fragments: Pelvis" containing one copper jacketed bullet and five bullet fragments.
- 10889167:** One sealed envelope labeled "Projectile: Left Axilla" containing one copper jacketed bullet.
- 10889168:** One set of inked finger and palm prints.
- 10889170:** One vial of the suspect's blood.
- 10889171:** One reference bloodstain card. This item was prepared from the vial of the suspect's blood (10889170).

Vehicle Processing

I arrived at the San Diego Police Department Northwestern Division Impound Facility on June 1, 2018, at approximately 0546 hours, to process the marked "U.S. Customs and Border Protection," Chevrolet Tahoe with United States Government license plate "DHS 209299." I met Criminalist A. Dutra, ID #8236, and Detective K. Allison, ID #5806, at this location. I took digital images #903 through #1052 starting at approximately 0602 hours. I collected items of evidence starting at approximately 0723 hours.

Photography

- #903 - #906: Views of the exterior of the vehicle.
- #907 - #908: Views of the Vehicle Identification Number.
- #909 - #964: Views of the interior of the vehicle.
- #965 - #974: Views of the trunk/cargo compartment.
- #975 - #980: Views of the engine compartment.
- #981 - #984: Views of the fuel compartment.
- #985 - #986: Location views of the apparent bullet holes identified with labels A and B.

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#987 - #990: Views of the apparent bullet hole (label A).

#991 - #994: Views of the apparent bullet hole (label B).

#995 - #997: Location views of the item of evidence identified with label 56.

#998 - #1001: Views of the copper jacketed bullet (label 56).

#1002 - #1003: Location views of the apparent bullet hole identified with label A1.

#1004 - #1007: Views of the apparent bullet hole (label A1).

#1008 - #1011: Location views of the apparent strike mark identified with label A2.

#1012 - #1013: Views of the apparent strike mark (label A2).

#1014 - #1015: Location views of the apparent strike marks identified with labels A2 through A4.

#1016: View of the apparent strike mark (label A3).

#1017 - #1018: Views of the apparent strike mark (label A4).

#1019: Location view of the apparent strike mark identified with label A5.

#1020 - #1022: Views of the apparent strike mark (label A5).

#1023 - #1024: Location views of the item of evidence identified with placard 57.

#1025: View of the metal fragment (placard 57).

#1026 - #1030: Location views of the apparent bullet hole identified with label B1 and the apparent strike mark identified with label B2.

#1031 - #1035: Views of the apparent bullet hole (label B1).

#1036 - #1040: Views of the apparent strike mark (label B2).

#1041 - #1052: Views of the apparent bullet holes, identified with labels B, B1 and B2, and their apparent trajectory, as determined by Criminalist A. Dutra, ID #8236.

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Evidence

- 10890291:** One copper-jacketed bullet (label 56). This item was collected from inside of the driver-side fender (compartment behind the driver-side headlight).
- 10890282:** One metal fragment (placard 57). This item was collected from the front passenger floorboard.

Discs

- 10890284:** One "Master" DVD containing digital images #1 through #251 of the scene.
- 10890285:** One "Working Copy" DVD containing digital images #1 through #251 of the scene.
- 10890286:** One "Master" DVD containing digital images #252 through #511 of the scene.
- 10890287:** One "Working Copy" DVD containing digital images #252 through #511 of the scene.
- 10890288:** One "Master" DVD containing digital images #512 through #902 of the autopsy.
- 10890290:** One "Working Copy" DVD containing digital images #512 through #902 of the autopsy.
- 10890291:** One "Master" DVD containing digital images #903 through #1052 of the vehicle processing.
- 10890292:** One "Working Copy" DVD containing digital images #903 through #1052 of the vehicle processing.

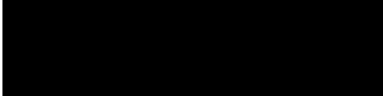
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DISPOSITION OF EVIDENCE

Each item of evidence was assigned a unique barcode and will be impounded in the *Headquarters Property Room* under *Incident #18050043895*.

The two pairs of handcuffs (part of placard 2) were released to Acting Sergeant C. Leahy, ID #5869, in the San Diego Police Department Homicide Unit on June 1, 2018, at approximately 1242 hours.

Additional copies of the "Working Copy" DVDs were released to Detective K. Allison, ID #5806, Homicide Team V.

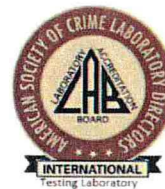

Alyssa Carbone, ID #8733
Crime Scene Specialist
June 6, 2018

Technical Review: HMM8702 Date: 6-6-18
Administrative Review: ~~AS 8791~~ Date: 6.11.2018



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**

CRIME SCENE UNIT LABORATORY REPORT



VICTIM:	SDPD Officer M. Martinez, ID #7591
VICTIM:	SDPD Officer S. Rodriguez, ID # 6941
VICTIM:	SDPD Officer W. Carter-Torres, ID #7709
SUSPECT:	RIVERA, Raul
CHARGE:	OIS/Special Investigation / 245(c) PC
INCIDENT #:	18050043895
CASE #:	18-602576 / 18-016572
HOMICIDE TEAM V:	Detective K. Allison / Acting Sergeant C. Leahy
DATE OF INCIDENT:	May 27, 2018 (Sunday)
SCENE LOCATION:	2300 Tocayo Avenue
CRIME SCENE SPECIALIST:	Heather Morreira

CRIME SCENE UNIT REPORT 2

Officer Processing (Rodriguez)

I arrived at the San Diego Police Department Crime Scene Unit Studio, on May 28, 2018, at approximately 0550 hours, to process San Diego Police Department Officer S. Rodriguez, ID #6941. I met Detective D. Burow, ID #5268, at this location. I took digital images #1 through #29, starting at approximately 0723 hours. I received the Officer's firearm, at approximately 0730 hours.

Photography

- #1 - #12: Views of the front, left, back and right sides of the Officer.
- #13 - #18: Views of the Officer's name plate, badge and body worn camera mount.
- #19 - #22: Views of the Officer's duty belt.
- #23 - #29: Views of the Officer's firearm and firearm magazines.

CRIME SCENE UNIT
Crime Scene Unit Report 2
Incident #18050043895
Case #18-602576
June 5, 2018
Page 2 of 5

Evidence

While at the San Diego Police Department Crime Scene Unit Studio on May 28, 2018, I received the following item from Detective D. Burow, ID #5268, at approximately 0730 hours.

One unsealed box with the following handwritten on it:

“OFFICER RODRIGUEZ #6941

(1) GLOCK 17 9MM HANDGUN [REDACTED]

ONE MAG SEATED

2 SPARE MAGS

5/28/18 @ 0728

D. BUROW #5268”

The box contains the following:

- One black, “GLOCK 17 Gen 4 AUSTRIA 9x19” handgun with serial number [REDACTED]. There was a black firearm magazine with an unknown number of cartridges seated in the handgun when received.
- Two black firearm magazines each containing an unknown number of cartridges.

Please refer to the firearm processing report by Criminalist L. Wilson, ID #8512, for the full description/inventory of the contents of the handgun and firearm magazines.

Officer Processing (Martinez)

I arrived at the San Diego Police Department Crime Scene Unit Studio, on May 28, 2018, at approximately 0738 hours to process San Diego Police Department Officer M. Martinez, ID #7591. I met Detective D. Burow, ID #5268, at this location. I took digital images #30 through #57, starting at approximately 0743 hours. I received the Officer's firearm, at approximately 0748 hours.

Photography

#30 - #41: Views of the front, left, back and right sides of the Officer.

#42 - #47: Views of the Officer's name plate, badge and body worn camera mount.

#48 - #51: Views of the Officer's duty belt.

#52 - #57: Views of the Officer's firearm and firearm magazines.

CRIME SCENE UNIT
Crime Scene Unit Report 2
Incident #18050043895
Case #18-602576
June 5, 2018
Page 3 of 5

Evidence

While at the San Diego Police Department Crime Scene Unit Studio on May 28, 2018, I received the following item from Detective D. Burow, ID #5268, at approximately 0748 hours.

One unsealed box with the following handwritten on it:
"OFFICER MARTINEZ #7591
GLOCK 17 9MM HANDGUN [REDACTED]
ONE MAG SEATED
THREE SPARE MAGS
5/28/18 @ 0746
D. BUROW #5268"

The box contains the following:

- One black, "GLOCK 17 Gen 4 AUSTRIA 9x19" handgun with serial number [REDACTED]. There was a black firearm magazine with an unknown number of cartridges seated in the handgun when received.
- Three black firearm magazines each containing an unknown number of cartridges.

Please refer to the firearm processing report by Criminalist T. Rebick's, ID #8154, for the full description/inventory of the contents of the handgun and firearm magazines.

Officer Processing (Carter-Torres)

I arrived at the San Diego Police Department Crime Scene Unit Studio, on May 28, 2018, at approximately 0810 hours to process San Diego Police Department Officer W. Carter-Torres, ID #7709. I met Acting Sergeant C. Leahy, ID #5869, at this location. I took digital images #58 through #86, starting at approximately 0820 hours. I received the Officer's firearm, at approximately 0823 hours.

Photography

- #58 - #70: Views of the front, left, back and right sides of the Officer.
- #71 - #76: Views of the Officer's name plate, badge and body worn camera mount.
- #77 - #80: Views of the Officer's duty belt.
- #81 - #86: Views of the Officer's firearm and firearm magazines.

CRIME SCENE UNIT
Crime Scene Unit Report 2
Incident #18050043895
Case #18-602576
June 5, 2018
Page 4 of 5

Evidence

While at the San Diego Police Department Crime Scene Unit Studio on May 28, 2018, I received the following item from Acting Sergeant C. Leahy, ID #5869, at approximately 0823 hours.

One unsealed box with the following handwritten on it:

"LEAHY #5869

11/28/18 @ 0823

OFF. CARTER-TORRES #7709

GLOCK 17 9MM HANDGUN SERIAL [REDACTED]

- 1 MAG SEATED
- 2 SPARE MAGS"

The box contains the following:

- One black, "GLOCK 17 Gen 4 AUSTRIA 9x19" handgun with serial number [REDACTED]. There was a black firearm magazine with an unknown number of cartridges seated in the handgun when received.
- Two black firearm magazines each containing an unknown number of cartridges.

Please refer to the firearm processing report by Criminalist B. Loznycky's, ID #8176, for the full description/inventory of the contents of the handgun and firearm magazines.

Discs

10887989: One "MASTER" DVD containing digital images #1 through #86 of the Officer processing(s).

10887991: One "WORKING COPY" DVD containing digital images #1 through #86 of the Officer processing(s).

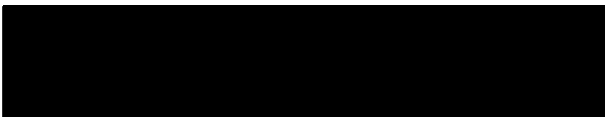
CRIME SCENE UNIT
Crime Scene Unit Report 2
Incident #18050043895
Case #18-602576
June 5, 2018
Page 5 of 5

DISPOSITION OF EVIDENCE

The discs were each assigned a unique barcode and will be impounded in the *Headquarters Property Room* under *Incident #18050043895*.

Additional copies of the "WORKING COPY" DVD were released to Detective K. Allison, ID #5806, Homicide Team V.

The Officer's firearms (handguns and firearm magazines) were released to Acting Sergeant C. Leahy, ID #5869, in the Homicide Unit on June 1, 2018.



Heather Morreira, ID #8702
Crime Scene Specialist
June 5, 2018

Technical Review: AMC 8733 Date: 6/5/18

Administrative Review: AFS 8791 Date: 6-5-2018



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION
FIREARMS UNIT LABORATORY REPORT**



OFFICER INVOLVED #1: SDPD Officer MARTINEZ, Michael, ID #7591
OFFICER INVOLVED #2: SDPD Officer RODRIGUEZ, Samuel, ID #6941
OFFICER INVOLVED #3: SDPD Officer CARTER-TORRES, William, ID #7709
SUSPECT: RIVERA, Raul
CHARGE: 245 PC / OIS - Special Investigation
INCIDENT #: 18050043895
CASE #: 18-016572 / 18-602576
HOMICIDE TEAM V: Acting Sergeant C. Leahy / Detective K. Allison
DATE OF INCIDENT: May 27, 2018 (Sunday)
SCENE LOCATION: 2300 Tocayo Avenue
CRIMINALIST: Lisa K. Wilson

EVIDENCE EXAMINED

SDPD Officer Samuel RODRIGUEZ, ID #6941:

One Glock semiautomatic pistol, Model 17 Gen 4, serial number [REDACTED], chambered in 9mm Luger caliber with three magazines and an attached flashlight [REDACTED]

RESULTS AND CONCLUSIONS

The Glock pistol from Officer Rodriguez was received with a seated magazine, the slide closed, striker set, and a loaded chamber. The seated magazine contained [REDACTED] cartridges. The two extra magazines each contained [REDACTED] cartridges. All cartridges are consistent with Department issue duty ammunition. [REDACTED]

[REDACTED] This evidence indicates that a maximum of **six** cartridges could have been fired from this pistol. If a different number of cartridges had been loaded into the seated magazine, then a different number of fired cartridges would be indicated. The pistol was testfired and found to operate normally.

DISPOSITION OF EVIDENCE

The Glock pistol was returned to the Crime Scene Unit gun locker on May 30, 2018. The Firearms Processing Packet was entered into the electronic evidence system (Barcode 10888166) and released to the Property Room on May 30, 2018.

[REDACTED]

Lisa K. Wilson, ID# 8512
Criminalist / Firearms Unit

May 31, 2018

Technical Review [REDACTED] Date: 06/01/18
Administrative Review: fw Date: 6/14/18



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION
FIREARMS UNIT LABORATORY REPORT**



SDPD OFFICER: Officer MARTINEZ, Michael, ID #7591
SDPD OFFICER: Officer RODRIGUEZ, Samuel, ID, #6941
SDPD OFFICER: Officer CARTER-TORRES, William, ID #7709
SUSPECT: RIVERA, Raul
CHARGE: OIS-Special Investigation / 245 PC
CASE #: 18-602576 / 18-016572
INCIDENT #: 18050043895
HOMICIDE TEAM V: Detective K. Allison / Acting Sergeant C. Leahy
DATE OF INCIDENT: May 27, 2018
SCENE LOCATION: 2300 Tocayo Avenue
CRIMINALIST: Toniann Rebick

EVIDENCE EXAMINED:

SDPD Officer M. MARTINEZ, ID #7591

One Glock, model 17 Gen 4, semi-automatic pistol chambered in 9mm Luger, S/N: [REDACTED], with four magazines and a [REDACTED] [REDACTED])

RESULTS AND CONCLUSIONS:

The Glock pistol was received with a seated magazine, the slide closed, the striker set, and a loaded chamber. The seated magazine (Mag A) contained [REDACTED] cartridges. The three extra magazines (Mags B, C, and D) each contained [REDACTED] cartridges. All cartridges are consistent with Department ammunition. The capacity of each of the four magazines is [REDACTED] cartridges. The total capacity of the pistol with one round in the chamber and a full magazine is [REDACTED] cartridges ("hot loaded"). The evidence indicates that if the pistol was "hot loaded," ten cartridges were fired from this pistol. If the firearm was not "hot loaded," a different number of fired cartridges would be indicated. The pistol was test fired and was found to operate normally.

Details of all examinations are on file in the laboratory.

DISPOSITION OF EVIDENCE:

The Glock pistol and magazines were returned to the CSU Gun Locker. One Firearms Processing Packet was booked into Property under Barcode #10889065.

[REDACTED]
Toniann Rebick, ID# 8154
Criminalist II
May 31, 2018

Technical Review: JW 0512 Date: 01 June 18

Administrative Review: TR Date: 6/4/18

Tech Review
AWB 01 June 18SAN DIEGO POLICE DEPARTMENT
FORENSIC SCENE SECTION - FIREARMS UNIT
FIREARMS WORKSHEETmax
05/29/18Item #: 8 Case # 18-602576 Property Tag #: Inc # 18050043895Analyst: Toniann Rebick #81571 Date: 05/29/18 Page: 1 of 6

DESCRIPTION OF RECEIVED FIREARM

SLIDE: <u>Closed / In battery</u>		Type: <u>Semi-auto pistol</u>
CHAMBER: <u>Loaded - (1) Cartridge h.s. "FC 9mm LUGER" - Dept Approved</u>		Make: <u>Glock</u>
MANUAL SAFETY: <u>N/A</u>		Model: <u>17 Gen 4</u>
MAGAZINE: <u>Seated (Mag A)</u>		Caliber: <u>9mm Luger</u>
HAMMER: <u>Striker: Set</u>		Serial Number: <u>[REDACTED]</u>
Type of Finish: <u>Non-Magnetic</u>	Stocks/Grips: <u>Polymer</u>	Location: <u>Primary - under barrel on floor</u> <u>Secondary - slide/barrel</u>
Condition of Bore: <u>Light Residue</u>	Odor of Bore: <u>N/A</u>	Barrel Swabbing: <u>Yes</u>
Overall Length: <u>~8"</u>	Barrel Length: <u>~4 1/2"</u>	Number of Lands: <u>6 Polygonal</u>
Magazine Submitted: <u>4</u>	Dept Approved <u>A-7 C-17</u> Magazine Contents: <u>B-17 D-17</u>	Twist: <u>Right Hexagonal</u>
Magazine Capacity: <u>[REDACTED]</u>	Ejection Pattern: <u>Back/Right</u>	Operating Condition: <u>Fire</u>
Overall Condition of Gun: <u>Good</u>		

FIRING MECHANISM:

- ☐ Hammer
☒ Striker
☐ Other
☐ Double Action
☒ Single Action Glock Safe Action

TYPE OF SAFETY PRESENT:

- ☒ Disconnector ✓
☐ Manual
☐ Manual/Decocker
☐ Decocker
☐ Grip
☒ Locked Firing Pin ✓
☐ Magazine
☒ Other: Drop Safety - not tested
Trisser Safety -

TRIGGER PULL: Glock Single Action: 6.42/6.75/6.41Double Action: N/ATESTFIRES: - Using mag ADate: 05/29/18 By: Toniann Rebick #81571
Nickel Case/Nickel Primer - Dept Approved
 Type: FED 147 grain Number: 3
 Type: _____ Number: _____

COMMENTS: (Halos, Blood, Other Trace Evidence, Unusual Marks, Chain of Custody, Etc.)

[REDACTED]
TFCC's - matched - fpi/fp aperture shows/breach / TF Missiles - phased + matched
06/01/18
Information regarding how Officer Martinez loads his gun/mags
is not available at this time. Still waiting for a response from Acting Sgt. Lech



 Detective

Case # 18-602576

Inc # 18050043895

Toniann Albrecht # 8104

05/29/18

05/29/18

SDPD Officer M. Martinez # 7591

(1) Glock, model 17 Gen 4, semi-automatic pistol chambered in 9mm Luger

S/N: [REDACTED] was received with the following:

As Received Max

Chamber
 Mag A (Sealed/
 Inserted)
 Mag B
 Mag C
 Mag D

[REDACTED]

- All received ammo consistent w/ Dept Issued Ammo

- Nickel Case / Nickel Primer / HP / Ls. "FC 9mm LUGER"

Hot loaded Capacity =

As received =

[REDACTED]

[REDACTED] (Hot loaded capacity) - 8 (As received) = 10 max number of rounds
 fired.

Assuming the pistol was "hot loaded," a maximum of 10 shots were
 fired. If the pistol was not "hot loaded" then the total number
 of shots fired would be less.

[Handwritten signature]
1111
00100000



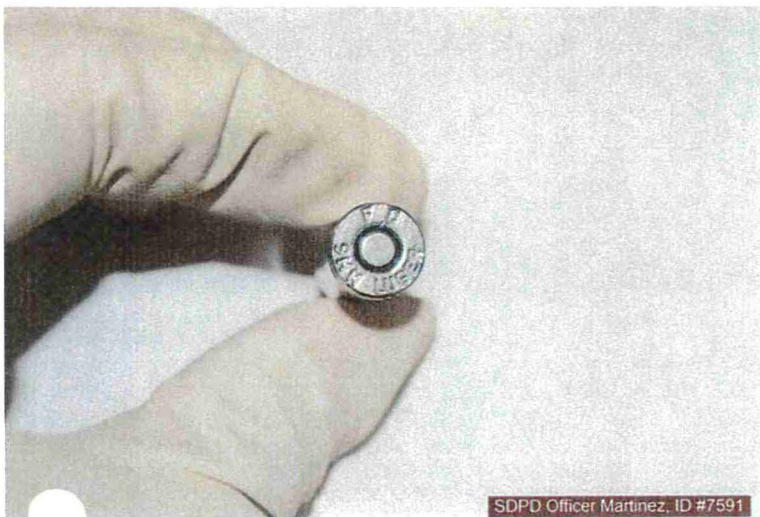
Handwritten signature
J. M. Wilson



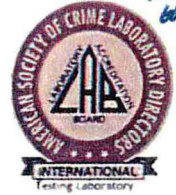
SDPD Officer Martinez, ID #7591



SDPD Officer Martinez, ID #7591



SDPD Officer Martinez, ID #7591



Page _____

INTERNAL CHAIN OF CUSTODY

San Diego Police Department

Forensic Science Section

Victim(s) SDPD Officer M. Martinez # 7591
 Suspect(s) Raul RIVERA

Incident # 18050043895 Case # 18-602576

Released By: Name/ID <u>Dawson 5202</u> <i>in CSU studio</i>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>(1) unsealed box containing (1) Glock with (1) magazine seated and (3) spare magazines</u> Purpose <u>transfer chain of custody</u> Date <u>5-28-18 @ 0748</u>
Released By: Name/ID <u>H. Morreira #8702</u> <i>in Gun Locker</i>	Received By <u>T. Rebach</u> ID# <u>8151</u> Items Received <u>(1) unsealed box containing (1) Glock handgun with (1) magazine seated and (3) spare magazines</u> Purpose <u>render safe / unload</u> Date <u>05/29/18 0900</u>
Released By: Name/ID <u>T. Rebach #8151</u> <i>in Gun Locker</i>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>(1) unsealed box w/ Glock pistol BAG 497 w/ (4) Glock magazine - (unloaded)</u> Purpose <u>transfer chain of custody</u> Date <u>05/29/18 1230</u>
Released By: Name/ID <u>H. Morreira #8702</u> <i>in CSU</i>	Received By _____ ID# _____ Items Received <u>(1) unsealed box with Glock handgun with (4) magazines and light detached</u> Purpose <u>transfer chain of custody</u> Date <u>5-31-18 @</u>
Released By: Name/ID	Received By _____ ID# _____ Items Received _____ Purpose _____ Date _____

OFFICER INVOLVED INCIDENT CHECKLIST

LAST NAME: MARTINEZ FIRST: Michael MIDDLE: AndresAge D.O.B. Height 5'05"Weight 165 Hair Blk Eyes BroPolice ID # 7591 Badge # 4760Date of Hire 09/01/2016Assignment Southern Division 3rd Watch -PatrolSupervisor Sgt. Victor RODRIGUEZLength of Assignment August 2017Unit # 712K3 Equipment # 7221Work Hours 2100-0700 Days Off TWThHours of Sleep Prior to Shift 9Right/Left Handed RightEye Sight UnknownGlasses? Yes ☐ No ☐ Contacts Yes ☐ No ☐Glasses or Contacts Worn? Yes ☐ No ☐Illnesses Medications? Yes ☐ No ☐ Date Time Type/Amount

Have you drunk any alcoholic beverages in the last 24

Hours? If so, Type NoneQuantity NoneINJURIES/COMMENTS: Protective VestWorn? Front Panel? Back Panel? Primary WeaponMake Glock Caliber 9mmSerial # Model # 17Department ☒ Personal ☐Secondary WeaponMake Glock Caliber 9mmSerial # Model # 43Department ☐ Personal ☒

If weapon is an automatic, was it carried with a round in the chamber?

Primary Weapon Yes ☒ No ☐Secondary Weapon Carbine

Number of rounds carried in magazine or cylinder?

Primary Weapon Secondary Weapon Carbine

Extra magazines or speed loaders?

Yes ☐ No ☐ Quantity Have you altered your weapon? Yes ☐ No ☐If so, how? Streamlight attachedLess Than Lethal Force Used? Yes ☒ No ☐OCN (Pepper Spray) ☐ Baton ☐ ASP ☐Nunchukas ☐ Taser ☒ Beanbag ☐Other ☐LEAHY #5869
Sergeant05/28/18
Date:

Rebick, Toniann

From: Loznycky, Bill
Sent: Wednesday, May 30, 2018 9:38 AM
To: Rebick, Toniann; Wilson, Lisa
Subject: FW: OIS

FYI
BWL

OFFICER INVOLVED #1: SDPD Officer MARTINEZ, Michael, ID #7591
OFFICER INVOLVED #2: SDPD Officer RODRIGUEZ, Samuel, ID #6941
OFFICER INVOLVED #3: SDPD Officer CARTER-TORRES, William, ID #7709
SUSPECT: RIVERA, Raul
CHARGE: 245 (C) PC/O.I.S./Special Investigation
INCIDENT/CASE#: 18050043895/18-016572/18-602576
HOMICIDE TEAM V: Acting Sergeant Chris Leahy/Detective Kate Allison
DATE OF INCIDENT: May 27, 2018 (Sunday)
SCENE LOCATION: 2300 Tocayo Avenue

From: Loznycky, Bill
Sent: Wednesday, May 30, 2018 9:33 AM
To: Rebick, Toniann [REDACTED]; Wilson, Lisa [REDACTED] >
Subject: OIS

FYI
Chris Leahy was the acting sergeant and Kate Allison was the scene detective on the OIS.
BWL



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



FIREARMS UNIT LABORATORY REPORT

OFFICER INVOLVED #1: SDPD Officer MARTINEZ, Michael, ID #7591
OFFICER INVOLVED #2: SDPD Officer RODRIGUEZ, Samuel, ID #6941
OFFICER INVOLVED #3: SDPD Officer CARTER-TORRES, William, ID #7709
SUSPECT: RIVERA, Raul
CHARGE: 245 (C) PC/O.I.S./Special Investigation
INCIDENT/CASE#: 18050043895/18-016572/18-602576
HOMICIDE TEAM V: Acting Sergeant Chris Leahy/Detective Kate Allison
DATE OF INCIDENT: May 27, 2018 (Sunday)
SCENE LOCATION: 2300 Tocayo Avenue
CRIMINALIST: Bill W. Loznycky, Jr.
Barcode #10888203 (Firearm Processing Packet – Glock – CARTER-TORRES)

EVIDENCE SUBMITTED

SDPD Officer CARTER-TORRES, William, ID #7709;

One Glock, Model 17 GEN 4, 9mm Luger caliber, semi-automatic, safe-action, centerfire pistol, serial number [REDACTED]; one 9mm Luger caliber cartridge (Federal brand and Department Approved) in its chamber; [REDACTED] 9mm Luger caliber cartridges (Federal brand and Department Approved), in its seated (in place), [REDACTED] cartridge capacity pistol magazine #1; [REDACTED] 9mm Luger caliber cartridges (Federal brand and Department Approved), in its extra [REDACTED] cartridge capacity pistol magazine #2; and [REDACTED] cartridges in its extra [REDACTED] cartridge capacity pistol magazine #3; for a total of [REDACTED] cartridges.

CONCLUSION/EXAMINATION:

SDPD Officer CARTER-TORRES, William, ID #7709;

The Glock model pistol was received with its striker set, its trigger set, its slide in battery, and its magazine #1 seated. One 9mm Luger caliber cartridge was found in the pistol's chamber. The pistol's seated magazine #1 was examined and [REDACTED] 9mm Luger caliber cartridges were found in the magazine. The pistol's extra magazine #2 was examined and [REDACTED] 9mm Luger caliber cartridges were found in the magazine. The pistol's extra magazine #3 was examined and [REDACTED] cartridges were found in the magazine. The capacity of this pistol in the "Hot Loaded" condition [one cartridge in the chamber and [REDACTED] cartridges in the seated magazine #1] is [REDACTED] cartridges. The total capacity of this pistol "Hot Loaded" with the two extra magazines #2 and #3 is [REDACTED] cartridges. [REDACTED] cartridges were received with the pistol. [REDACTED] cartridges minus the [REDACTED] cartridges received with the pistol equals [REDACTED] cartridges. This would indicate that **SDPD Officer CARTER-TORRES fired his pistol a maximum**

FIREARMS UNIT LABORATORY REPORT
INC #18050043895/Case #18-016572/18-602576
Date May 30, 2018
Page 2 of 2

number of fourteen times. Officer CARTER-TORRES could have fired his pistol less than the maximum number of fourteen times if his seated magazine #1 and extra magazine #2 were not loaded to their full capacity of [REDACTED] cartridges each.

The Glock model pistol was checked for function and safety and the pistol was found to be operable.

No further information was obtained.

Details of all examinations are on file at the Laboratory.

DISPOSITION OF EVIDENCE:

The Glock model pistol and its three magazines – (CARTER-TORRES) were released to Crime Scene Specialist Heather MORREIRA, ID #8702, on May 30, 2018, by this analyst. The pistol's "Firearms Processing Packet" – Barcode #10888203 – item #9 – (CARTER-TORRES) was impounded in the Property Room May 30, 2018 by this analyst.

REPORTS:

Original, Copy: Laboratory
Copy: Detective Kate Allison

[REDACTED]
Bill W. Loznycky, Jr., ID #8176
Criminalist/Firearms Unit
May 30, 2018

Technical Review: [REDACTED]

SLY Date: 05/30/18

Administration Review: [REDACTED]

Date: 5/31/18



**SAN DIEGO POLICE DEPARTMENT
FORENSIC SCIENCE SECTION**



CRIME SCENE RECONSTRUCTION REPORT

VICTIMS: SDPD Officer MARTINEZ, Michael #7591
SDPD Officer RODRIGUEZ, Samuel #6941
SDPD Officer CARTER TORRES, William #7709

SUSPECT: RIVERA, Raul

CHARGES: OIS/Special Investigation

INCIDENT #: 18050043895

CASE #: 18-602576/18-016572

HOMICIDE TEAM V: Detective K. Allison

DATE OF INCIDENT: May 27, 2018

SCENE LOCATION: 2300 Tocayo Avenue

CRIMINALIST: Adam Dutra

DATE OF REPORT: June 18, 2018

BACKGROUND:

On May 27, 2018 at approximately 2338 hours, I was notified that my response was needed at the scene of an Officer Involved Shooting (OIS) at the intersection of Tocayo Avenue and Hollister Street. I arrived at the scene at approximately 0027 hours on May 28, 2018.

BRIEFING:

The following information was obtained during the briefing from Acting Sergeant Bryan:

- SDPD Communications received a call of a man (Raul Rivera) with a knife in the intersection of Tocayo Avenue and Hollister Street.
- Numerous US Customs and Border Protection Agents and SDPD Officers arrived on scene.
- Rivera was brandishing a knife.
- Officers J. Mendoza #5555 and D. Castellanos #7329 deployed beanbag rounds at Rivera.
- Officers M. Martinez #7591 and M. Muniz #7483 each attempted to deploy Tasers at Rivera.
- Officers M. Martinez #7591, S. Rodriguez #6941, and W. Carter Torres #7709 fired upon Rivera in the intersection.
- Rivera died at the scene.
- No US Customs and Border Protection Agents fired upon Rivera nor did they deploy less than lethal weapons.
- No officers or civilians were injured, except for Rivera.
- One US Customs and Border Protection vehicle was struck by at least one bullet.

CRIME SCENE REPORT

Case #18-602576

June 18, 2018

Page 2 of 5

SCENE DESCRIPTION:

The incident occurred on Tocayo Avenue, in and near the intersection with Hollister Street. Multiple US Customs and Border Protection vehicles, SDPD vehicles, and other vehicles were present in the intersection, on Tocayo Avenue near the intersection, and on Hollister Street near the intersection.

OBSERVATIONS:

The suspect's body was on the ground, south of the middle of the intersection of Tocayo Avenue and Hollister Street. A knife was south of the suspect's body. Two bean bags and four shot shells were observed northeast of the intersection. Three bean bags and three apparent Taser cartridges were present in the intersection. Two bean bags were observed northwest of the intersection. Two bean bags, five shot shells, one apparent Taser cartridge, and one apparent Taser dart/electrode were located on Tocayo Avenue, west of the intersection with Hollister Street.

Twenty-eight expended cartridge cases were observed near the middle of the intersection of Tocayo Avenue and Hollister Street. All appeared to be from 9mm ammunition. Because of their similar location and type, the cartridge cases were not separated into identifiable groups or patterns.

A US Customs and Border Protection vehicle was parked, facing north, along the curb line of Hollister Street, south of the intersection with Tocayo. Two apparent bullet holes were observed: one in the windshield and one near the driver's side head lamp.

Officer Walk-Through Information

The following information was obtained from Officer S. Rodriguez during his walk through at the scene, as well as Criminalist Lisa Wilson's Firearms Report dated May 31, 2018:

- Officer Rodriguez was standing in the northern part of the intersection of Tocayo Avenue and Hollister Street when he fired in a southwestern direction.
- The suspect was moving in a northwestern direction.
- Officer Rodriguez estimated that he fired 4-5 rounds.
- The Firearms report indicated that Officer Rodriguez could have fired a maximum of 6 times, if the pistol was "hot loaded".

The following information was obtained from Officer W. Carter Torres during his walk through at the scene, as well as Criminalist Bill Loznycky's Firearms Report dated May 30, 2018:

- Officer Carter Torres was standing in the northern part of the intersection of Tocayo Avenue and Hollister Street (east of Officer Rodriguez) when he fired in a southern direction.
- The suspect was running in a northwestern direction.
- Officer Carter Torres estimated that he fired 8 rounds.
- The Firearms report indicated that Officer Carter Torres could have fired a maximum of 14 times, if the pistol was "hot loaded".

CRIME SCENE REPORT

Case #18-602576

June 18, 2018

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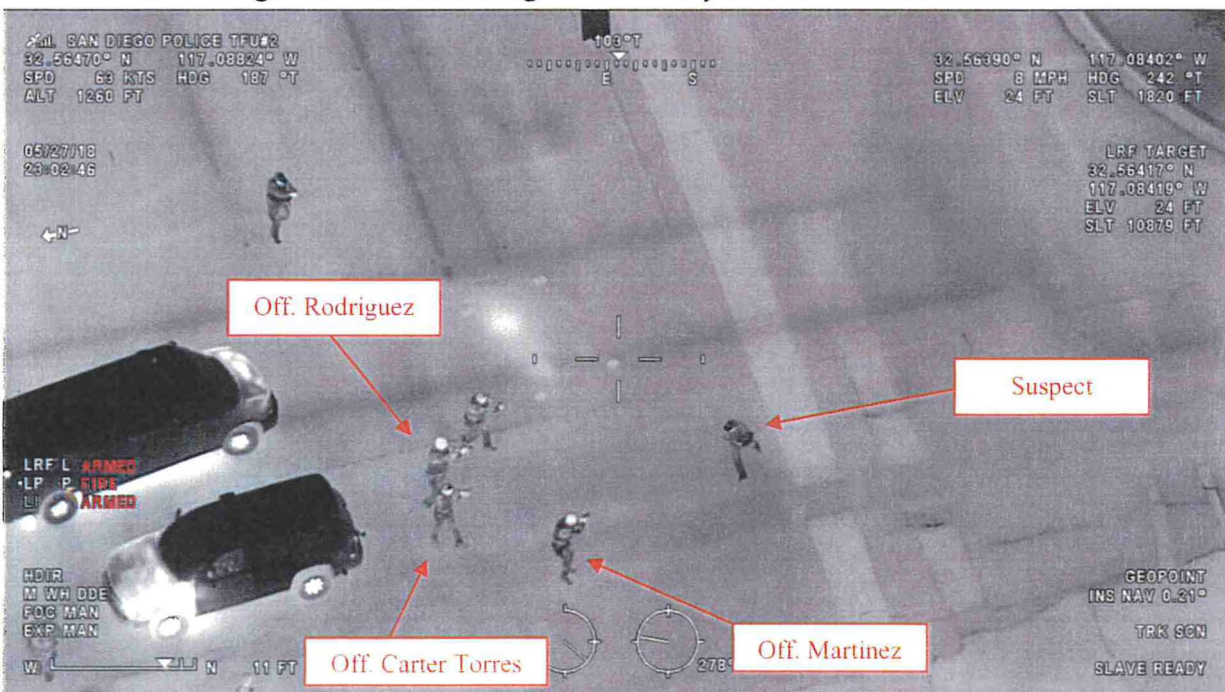
The following information was obtained from Officer M. Martinez during his walk through at the scene, as well as Criminalist Toniann Rebick's Firearms Report dated May 31, 2018:

- Officer Martinez was standing in the northern part of the intersection of Tocayo Avenue and Hollister Street (east of Officers Rodriguez and Carter Torres) when he fired in a southern direction.
- The suspect was facing northward.
- Officer Martinez estimated that he fired 5 rounds.
- The Firearms report indicated that Officer Martinez could have fired a maximum of 10 times, if the pistol was "hot loaded".

Body Worn Camera (BWC) and ABLE Footage

The BWC footage for the following officers was reviewed: Officer W. Carter Torres, Officer D. Castellanos, Officer M. Martinez, Officer J. Mendoza, Officer M. Muniz, Officer J. Powers #5418, Officer S. Rodriguez, and Officer M. Verduzco #7409. ABLE footage was also viewed. Based upon the BWC and ABLE footage, a screen capture was made of ABLE footage immediately before officers fired their pistols, showing the shooting officers and the suspect (see Figure 1). The suspect held the knife throughout the confrontation with officers and made several movements in the direction of officers.

Figure 1 – ABLE footage immediately before shots were fired



CRIME SCENE REPORT

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Suspect Injuries

The following information was obtained from Crime Scene Specialist Alyssa Carbone's autopsy photos, evidence impounded, and Detective Jana Beard's Morgue Scene Report:

- Seven injuries were noted consistent with bean bag deployment.
- Injuries were present on the lower left abdomen and web of right hand consistent with Taser deployment.
- Nine gunshot wounds were present on the suspect's back side.
- Nine gunshot wounds were present on the suspect's front side.
- Eight projectiles and/or fragments were recovered.
- Several of the gunshot wounds appeared to be correlated to each other (entrances, exits, etc).

Vehicle Examination

On June 1, 2018, US Customs and Border Protection vehicle with US Government plate "DHS 209299" was examined at the Northwestern Substation.

Apparent bullet holes, bullet impacts, and bullet strike marks were observed on the front of the yellow reflector next to the driver's side headlamps, on the back of the housing for the driver's side headlamp, on the metal support behind the housing for the headlamp, on the exterior surface of the internal body panel, on the top surface of the wheel well, and on the interior surface of the fender on the driver's side. All of these observations appear consistent with a single bullet passing through the reflector, the back of the housing, and striking multiple areas between the internal body panel and the fender. A damaged bullet was recovered from the space between the internal body panel and the fender on the driver's side.

An apparent bullet hole was present in the driver's side of the windshield. An apparent bullet impact was present on the front of the cage behind the driver's seat. A possible bullet fragment was found on the floor in front of the front passenger seat.

CONCLUSIONS

Information obtained from the scene and the vehicle examination, and from viewing the autopsy photographs, ABLE video, BWC video, and reports associated with this case leads to the following conclusions.

During the confrontation, multiple officers attempted to subdue the suspect by deploying less than lethal weapons numerous times.

The number of cartridge cases suggests that Officer Rodriguez fired 4-6 rounds, Officer Carter Torres fired 12-14 rounds, and Officer Martinez fired 8-10 rounds in the direction of the suspect. Multiple rounds struck the suspect. It was not determined which of the bullets recovered from the

CRIME SCENE REPORT

Case #18-602576

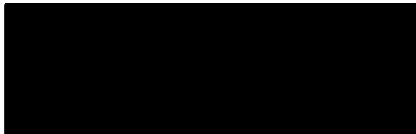
June 18, 2018

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suspect at autopsy were fired by which officer. Two rounds struck a US Customs and Border Protection vehicle downrange from the suspect.

The officers were generally in the areas and firing in the directions as they described during their walk through briefings as the suspect moved toward officer Martinez with a knife in his hand.

This report contains the conclusions, opinions, and interpretations of the analyst whose signature appears below.



Adam Dutra, ID #8236

Criminalist

June 18, 2018

Technical Review: MLC 8328 Date: 6/20/18

Administrative Review: Sm 8178 Date: 6/21/18

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: PORTER, Brandon
DOB: [REDACTED]
US Border Patrol – Imperial Beach Station
1802 Saturn Boulevard
San Diego, CA 92154
Phone: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, Sergeant S. Shebloski #5317 informed Homicide Unit Team 1 that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0107 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife in the street of 2300 Tocayo Avenue, acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene. San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife, and was threatening officers with the knife. San Diego Police officers deployed bean bag shotgun impact projectiles and taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by gunfire and dropped to the ground. Officers began examining RIVERA to render first aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

Investigator's Report

Witness: PORTER, Brandon USBP

Case #18-001350/ 18-001351

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handcuffs were put on him. The officers' rolled the subject back over onto his back and cut his shirt off.

At this point I figured the scene was under control. I walked over to where another agent was standing on the northwest corner of Tocayo Avenue and Hollister Street.

The interview was completed at approximately 0310 hours. Detective Weaver and I provided PORTER with our business cards. Detective Weaver took a photo of PORTER at the conclusion of the interview to document he was wearing a law enforcement uniform at the time of the shooting. The following is the photo:



Reporting Detective Andrea Taylor I.D. 6399 Homicide Team: 1
Approved by: Sgt. Shobleski #5317 (5.30.2018) Date of this report: 5/30/18 Time: 0745

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:

Border Patrol Supervising Agent **Leslie Pino**
ID# I38
1802 Saturn Boulevard
San Diego, CA 92154
[REDACTED]
[REDACTED]

On May 28, 2018, at approximately 0003 hours, Sergeant Steve SHEBLOSKI #5317 informed Homicide Team I that an officer involved shooting had just occurred. According to Sgt. SHEBLOSKI, there were multiple law enforcement and civilian witnesses at the scene and Team V needed assistance. I was directed to respond to the scene, located at 2300 Tocayo Avenue, to assist Homicide Team V with witness statements. I arrived on scene at approximately 0100 hours.

At 0122 hours, A/Sergeant T. BRYAN gave the briefing of the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

Investigator's Report

Witness: Supervising Agent Leslie Pino

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arrived I grabbed my body armor and put it on. I saw the SDPD officers taking shotguns out of their truck. I heard "bean bag." I did hear and see them discharging. Someone had yelled "less lethal." I could tell they were bean bag rounds because the guy did not go down and they didn't seem to affect him. I know they went empty. I remember one of the officers was asking for more rounds.

I assume he got hit because I didn't see the impact, but there was no visible effect on him. I saw the subject with the knife in his right hand. I can't describe the knife, but I know it was a knife. He was darting about the whole intersection, mostly on the north side. I saw him take quite a few steps towards the officers and agents at different times with the knife. There was a lot of yelling. I don't know what he was yelling. I heard people yelling at him to put the knife down. There was a lot of commotion going on. I remember being concerned about the crossfire because as he moved about the intersection he moved between groups of officers.

I know he got hit with at least two Tasers. They had no effect on him. After he ripped the prongs out, he ran westbound on Tocayo. He got about 75-100 yards. Different officers and agents pursued him on foot. He came back eastbound. The whole time he was being aggressive towards officers and agents, walking towards them and then changing direction. He got back to the middle of the intersection. I was east of him. There was about 5-6 SDPD Officers in the middle of the intersection facing south. He was still coming eastbound at which point I thought he was coming at me. At that point I un-holstered my weapon. He changed direction and went towards the line of 5-6 officers. At that point there were shots fired. I thought it was 12-15 gunshots. SDPD fired these gunshots. I was about 10 feet from the officers.

I carry the standard issue [REDACTED] I did not fire my weapon. I did not deploy a Taser. After the shots were fired, he (the subject) fell onto his back. He never let go of the knife. Officers were yelling at him to drop the knife. He had the knife in his right hand. It sounded like he was trying to breathe. It was probably his last breath he finally relaxed his arm down to the ground. At that point, SDPD moved in and removed the knife from his hand. They rolled him over at one point. I remember going around the perimeter to check to see who had fired a weapon or deployed anything and if they were ok. One of the rounds went through Agent Shook's vehicle. It was on the eastern side of Hollister as you approach Tocayo.

SDPD Officers were yelling about civilian traffic northbound on Hollister and they were yelling for someone to stop the cars. Paniagua ran to his truck and moved it to the south side of the intersection to block the traffic. This happened just before the shooting.

The subject I thought was a white male. I think he had short hair or bald. I can't remember. I don't remember what he was saying. I did not hear another language. He appeared to understand the verbal commands the officers were giving.

The interview ended at 0350 hours.

Reporting Detective Tracey Barr I.D. 5533 Homicide Team: Team I
Approved by: Sgt. Shobleski #5317 (5-31-2018) Date of this report: 05/30/2018 Time: 1420 Hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)
TIME (occurrence): 2252 Hours
LOCATION: 2300 Tocayo Avenue, San Diego, CA
SUBJECT:

OIS/Special Investigation - SDPD Case #18-602576

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED: Border Patrol Agent David Paniagua #I136
Imperial Beach Station
1802 Saturn Blvd, San Diego, CA 92154
[REDACTED]
Work hours: [REDACTED]
Work days: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, I received a text message from Homicide Sgt. Shebloski #5317 directing me and the remaining members of Homicide Team 1 to respond to 2300 Tocayo Avenue to assist Homicide Team 5 with an officer involved shooting incident. I responded to the scene and met with the following personnel: Sergeant S. Shebloski #5317, A/Sgt C. Leahy #5869, Detectives J. Beard #4807, D. Burrow #5268, K. Allison #5806, T. Barr #5533, M. Weaver #6153 and A. Taylor #6399.

A/Sergeant T. Bryan #5301 conducted the briefing. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister Street and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene.

San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining

Investigator's Report

Witness:

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RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

During the briefing we learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The patrol briefing concluded at approximately 0149 hours. At the conclusion of the briefing Homicide Team 1 detectives were assigned to interview Border Patrol Agents who witnessed the incident. I left the scene at 0200 hours.

Detectives Barr, Weaver and Taylor and I went to 1802 Saturn Blvd to interview the agents. I arrived at the border patrol station at 0205 hours. Upon our arrival we met with Supervisor Border Patrol Agent Pino and Border Patrol Agent Rollins. Agent Rollins sat in on each of the interviews I conducted. Detective Barr and I interviewed nine agents separately in the conference room. The interviews were recorded for clarity and a copy can be reviewed for complete details. This is an "in essence" report and is not meant to be a word for word account of my conversation with Agent Paniagua. The following, paraphrased, is essentially Paniagua's statement and his answers to our questions. Agent Paniagua was in full Border Patrol uniform during the incident.

Interview of Agent David Paniagua - Witness:

I was driving a 2012 Tahoe, marked with lights and siren. At approximately 2300 hours I heard over the radio, an agent call of a subject with a knife at the intersection of Tocayo and Hollister. I was already enroute to that area so I responded. I advised I was enroute from I-5 and Tocayo. I exited the freeway and went west bound on Tocayo. As I arrived at the intersection I saw a marked unit parked in the middle of the intersection facing north bound on Hollister. It was one of our units. There was another vehicle, a van unit facing southbound, just to the left of the first vehicle. I came around behind the Tahoe and was on the west of it. I had my lights and siren on. I exited my vehicle. I saw the subject between a Ford Ranger pickup which was facing south bound on Hollister, and the first marked unit that I saw there.

As I was moving to my left I saw the subject was wearing a gray t-shirt, it had "Army" on it. He had a knife in his right hand. I saw the first Agent directly in front of the subject. I approached on the right of the subject. At that time I didn't hear Agent O'Neil say anything. I yelled at the subject, "Drop the knife!" He looked at me and I tried to make small talk with him. I looked at his shirt and asked him if he was in the Army. He replied, "Fuck no!" I told him I was in the Army and he again replied, "Fuck no!" I then gave him constant orders to drop the knife. He started going towards his left and advancing towards Agent O'Neil. We both had our weapons drawn and we kept repeatedly yelling, "Drop the knife, drop the knife!" As the subject moved around I stayed to his right so I would not be caught in the crossfire of O'Neil. As we turned I realized there were more agents and possibly police. There were now four or five of us. I could hear other agents advising to watch our crossfire. I moved closer to O'Neil.

I remember seeing a San Diego Police Department officer running with a red shotgun. Somebody earlier had asked for less lethal. The officer with the red shotgun passed us. San Diego PD was on my left and said they have less lethal and they fired. I heard two shots, they made contact, the

Investigator's Report

Witness:

Case #18-602576/18-016572

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subject flinched and started running west bound on Tocayo. Yes, they were bean bag rounds and he yelled, "I have less lethal, less lethal." I saw the subject flinch and he took off running west bound. We all followed behind him. He stopped 30-50 yards away from the initial contact, west bound on Tocayo. A different officer with a red shotgun yelled, "less lethal, less lethal." Several more shots were fired and the subject started running east bound. It was a different officer and he made contact with the subject. The subject flinched a couple times and he ran back to the same spot where he started. He flinched. They were good shots on him but he just kept going.

As the subject was running back someone deployed the Taser. I heard, "Taser, Taser, Taser!" I was not sure if it was PD or Border Patrol but after I knew no BP deployed any less lethal. I do remember hearing, "Taser, Taser, Taser!" The subject flinched, stopped, reached for the prongs and took them off. We were back on the intersection. There were two vehicles coming north on Hollister. One of the PD officers yelled for someone to stop the traffic. I ran to my vehicle and moved it 50-75 yards south of the intersection. I blocked north bound traffic on Hollister. I was south of the intersection blocking north bound traffic, on Hollister. I saw the vehicles getting closer. I exited my vehicle and I was facing the traffic coming north bound. I waved at the cars to stop and I recognized the two cars were marked Border Patrol vehicles.

As soon as I recognized the vehicles I started to turn north and I heard the shots. I heard four to six shots. As I recognized they were gun shots I ducked behind the tire area of my vehicle. Shots were coming this way and I hid behind the tire area. As soon as the shots stopped, I drew my pistol and ran around my vehicle. I saw the subject was down on the ground.

My vehicle was not hit. Another vehicle was parked to my right on the corner and that vehicle was hit. As I was yelling at the two vehicles approaching, I stop and I heard the shots. I was south of the incident. I could not hear what was being said to the subject.

After the shooting I noticed it was a folding knife. Prior to that I could see the blade coming out of his right hand. He had it in his right hand and I could the blade sticking out. He never swung the knife at me. He was mostly facing Agent O'Neil. At one point he looked at me. That's when he replied, "Fuck no" about the Army. He did yell several times, "Shoot me, shoot me!" We yelled at him we didn't want to shoot him and drop the knife. I was not close enough to him to recognize if he was under the influence. When he said, "Shoot me" I imagined he was trying to suicide by cop. I don't know what his motives were. I never shot or used less lethal. We do not have body worn cameras. My duty weapon is [REDACTED]. After I saw the body on the ground I advised dispatch and updated them. I requested EMS. I also advised no Border Patrol or PD officers were injured. The subject acknowledged me when I came up. I made verbal contact and he replied. I was trying to get his attention but he would ignore. I could only hear the uniform people.

Interview ended at 0259 hours.

Reporting Detective Jesse Zaldivar I.D. 5516 Homicide Team: 1
Approved by: Sgt. Shobloski #5317 (5-31-2018) Date of this report: 05/29/18 Time: 1130

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: Border Patrol Agent Alexander Palafox #I345
Imperial Beach Station
1802 Saturn Blvd, San Diego, CA 92154
[REDACTED]
Work hours: [REDACTED]
Work days: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, I received a text message from Homicide Sgt. Shebloski #5317 directing me and the remaining members of Homicide Team 1 to respond to 2300 Tocayo Avenue to assist Homicide Team 5 with an officer involved shooting incident. I responded to the scene and met with the following personnel: Sergeant S. Shebloski #5317, A/Sgt C. Leahy #5869, Detectives J. Beard #4807, D. Burrow #5268, K. Allison #5806, T. Barr #5533, M. Weaver #6153 and A. Taylor #6399.

A/Sergeant T. Bryan #5301 conducted the briefing. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister Street and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene.

San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining

Investigator's Report

Witness:

Case #18-602576/18-016572

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RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

During the briefing we learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The patrol briefing concluded at approximately 0149 hours. At the conclusion of the briefing Homicide Team 1 detectives were assigned to interview Border Patrol Agents who witnessed the incident. I left the scene at 0200 hours.

Detectives Barr, Weaver and Taylor and I went to 1802 Saturn Blvd to interview the agents. I arrived at the border patrol station at 0205 hours. Upon our arrival we met with Supervisor Border Patrol Agent Pino and Border Patrol Agent Rollins. Agent Rollins sat in on each of the interviews I conducted. Detective Barr and I interviewed nine agents separately in the conference room. The interviews were recorded for clarity and a copy can be reviewed for complete details.

This is an "in essence" report and is not meant to be a word for word account of my conversation with Agent Palafox. The following, paraphrased, is essentially Palafox's statement and his answers to our questions. Agent Palafox was in civilian clothing (long sleeve black and white shirt, blue jeans) during the incident.

Interview of Agent Alexander Palafox - Witness:

I pulled up to the intersection of Tocayo and Hollister. I noticed a Border Patrol Agent vehicle heading north. I didn't know who it was until he got out the vehicle. I saw it was Agent O'Neil. I was behind Agent Garcia. I couldn't see the subject or the knife at that time because I was behind the vehicles. Once I got close enough I noticed the male had a knife. We got out of our vehicles. The subject made contact with Agent O'Neil. Agent O'Neil was telling the subject to get out of the road and drop the knife. I think the knife was in his right hand. It was a 3"-4" blade. It was dark but it was obvious it was a knife. At first I didn't know what the subject was doing then I saw the knife.

The subject walked around Agent O'Neil's vehicle and then behind a transport vehicle. The transport vehicle had pulled up and was parallel to Agent O'Neil's vehicle, east of it. The subject went around the whole vehicle and was talking to Agent O'Neil. We paralleled him and he was being told to drop the knife and stop. He was saying, "No, no, no! You're going to have to shoot me!" He was not complying. He was not attacking anyone but he was aggressive. Everyone was telling him to drop the knife and he kept saying, "No, no, no!"

More Agents and San Diego PD showed up on the scene. An officer got there with a less lethal bean bag shotgun. All I heard was, "Drop the knife, drop the knife", the subject said, "No, no, no!" They then started deploying the less lethal bean bag on him. The subject started running away from the intersection on Tocayo. We were chasing him but he wasn't dropping the knife. Then he started running back east bound and across the intersection. I think another officer showed up with another less lethal shotgun. I think he also deployed the bean bag to get the subject to drop the knife but he didn't drop it. I could see the subject getting impacted with the

Investigator's Report

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bean bags. I couldn't tell how many. I saw the officer who came from the north on Hollister and impact him with the bean bags. I saw the second officer to the east deploy bean bags but I don't know if he impacted the subject. They were yelling less lethal. They also tased him twice. It was San Diego PD. The bean bags had no effect. He grunted but he was shrugging them off and running around. The taser didn't affect him either. I don't know how well the connection was but he just ripped the two wires off and kept going. He was running away and waving the knife.

He was always on his feet running away, then charging at us, then running away. Once he got to the middle of the intersection he was tased again but it didn't affect him. The San Diego PD officers were yelling at him, "Drop the knife, drop the knife!" It was at that time he charged at them and they shot him.

I think I heard 10-12 shots, I don't know. It was more than five. Once he lunged at them they fired. I couldn't say exactly how many shots but it was more than five. I was on the west side of the intersection, maybe twenty feet from them. I saw the shooting. I think four to six officers fired but I don't know exactly. I was focusing on the subject. The subject still stood for a few seconds then he dropped but he was not letting go of the knife. The officers were trying to get to him to help him but he wasn't complying. Even as he fell to the ground he still had the knife in his hand holding on to it. I was west of the officers. They were shooting south and I was west of them, about twenty feet. I was behind Agent Garcia's vehicle. Once the subject started going around I moved my vehicle to the corner and I came back to Agent Garcia. It's on the west corner of Tocayo and Hollister. It's a Chevy Tahoe. It's my personal vehicle.

When the subject ran west he ran past my vehicle and then when he ran back east he ran on the sidewalk past my vehicle and into the intersection. I was dressed like this (casual attire). I had my duty weapon, radio and badge. I have the [REDACTED], and a concealed carry holster.

I saw the subject moving around so I parked my vehicle. I saw cars behind us and when I parked they passed us. We were south bound on Hollister when we arrived. I had my firearm out. I never fired or used pepper spray.

Interview ended at 0332 hours.

Reporting Detective Jesse Zaldivar

I.D. 5516

Homicide Team: 1

Approved by: Sgt. Shabloski #5347 (5-31-2018)

Date of this report: 05/30/18

Time: 1330

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **PAIR, Scott**
DOB: [REDACTED]
US Border Patrol- Imperial Beach Station
1802 Saturn Blvd
San Diego, CA 92154
Phone: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, Sergeant S. SHEBLOSKI #5317 informed Homicide Unit Team 1 that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0045 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident.

During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife standing in the street 2300 Tocayo Avenue acting in a threatening manner.

San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers. San Diego Police officers deployed less lethal force options such as bean bags and the Taser in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and reportedly ineffective.

RIVERA reportedly continued to act in a threatening manner and charged towards Officer M. MARTINEZ while still armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was impacted by gunfire and dropped to the ground. Officers assessed RIVERA's injuries and rendered aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at 0200 hours, Homicide Team 1 left the crime scene and travel to the Imperial Beach Border Patrol Station for the purpose of conducting interviews of agents who witnessed RIVERA's behavior and the subsequent shooting. Once at the station, I met with Agent Scott PAIR. On May 28th, 2018, at 0311 hours, I spoke with Agent Scott PAIR and conducted an interview. Present for the interview was San Diego Police Homicide Detective Andrea Taylor #6399. The interview was audio-recorded. The following is a summary of his statement:

Statement of Agent Scott PAIR- USBP:

I work for the United States Border Patrol. I have been employed by the Border Patrol for 11 years. My current assignment is a Line Watch agent for the Imperial Beach station. My assignment tonight was 'Goat Canyon' which is just east of the beach. Tonight my work hours are 10pm-8am. My attire now is the same as it was at the time of this incident.

I noted that PAIR was wearing an olive-drab colored uniform, with a green external ballistic vest. The uniform had United States Border Patrol patches affixed to the shoulders. The external ballistic vest had a cloth Border Patrol badge on the front, and the words "CBP BORDER PATROL FEDERAL AGENT" printed in bright yellow next to the badge. Both law enforcement symbols were unobstructed and in plain view on his chest. PAIR was wearing a black law enforcement-style duty belt which contained a [REDACTED]

I was driving a Chevrolet Tahoe. That vehicle is not on scene anymore it is here in the station. I was made aware of an ongoing incident at the intersection of Hollister Street and Tocayo Ave tonight around 1045 pm {May 27th, 2018}. I heard on the radio bits and pieces about a person with a knife at Hollister and Leon Street. Later I heard the address was at Hollister and Tocayo. I drove to that location. I parked my law enforcement Tahoe on Hollister approximately 40 yards south of Tocayo. As I had been driving towards the scene I could hear multiple officers yelling commands to a subject. The drivers-side window of my vehicle was rolled down. I could hear the officers telling him (Raul RIVERA) to, "Put the knife down." I heard that command given 3-4 times. I was unable to hear if the subject responded or said anything in response.

When I got to the location I heard multiple gunshots. I ducked down to avoid the gunshots. I think I heard 5-6 gunshots. I did not hear any less-lethal weapons deployed prior to those gunshots. I don't think any USBP agents fired their weapons; it was all SDPD officers doing the shooting. I entered the scene to see if I could assist. I could see there was a subject down on the ground and he was holding a knife in his hand. The subject on the ground and visibly bleeding.

Investigator's Report

Witness: PAIR, Scott USBP

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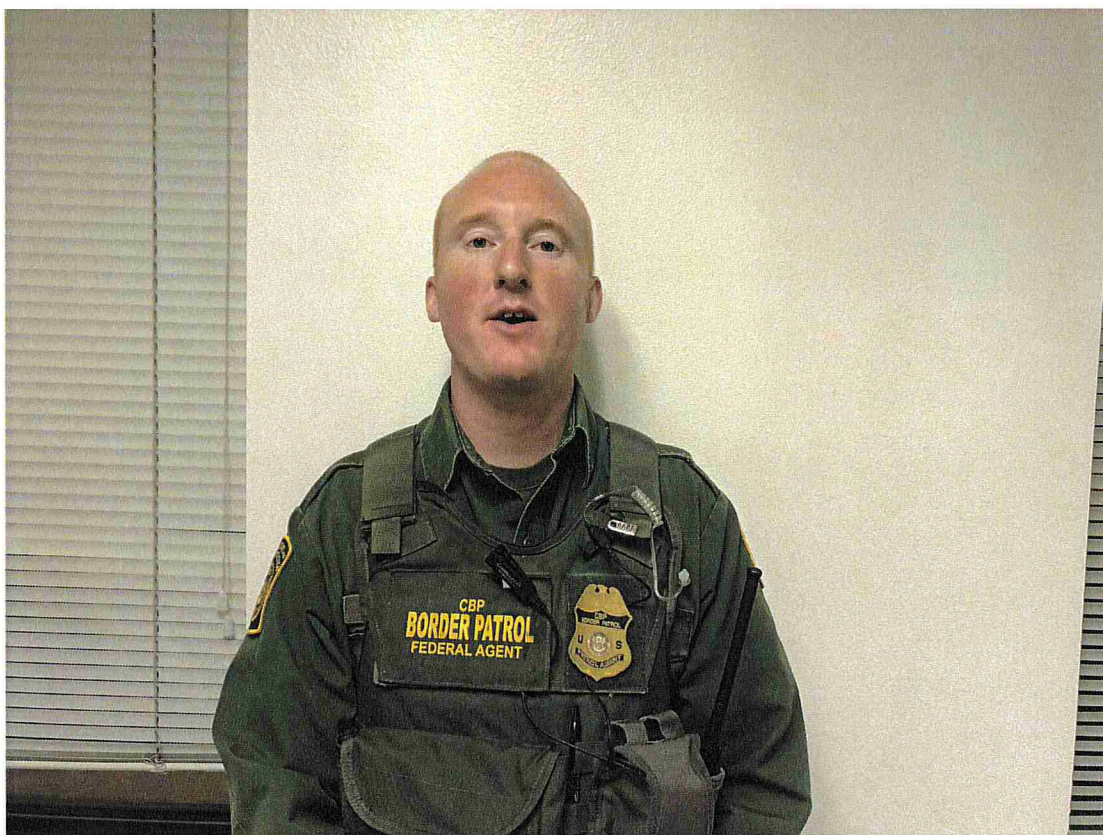
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I realized my assistance was not needed. I could hear SDPD Officers telling the man to put the knife down and he wasn't responding to their commands. About a minute later I witnessed one of the SDPD officers put a boot on the forearm of the subject on the ground. This was the forearm of the that was holding the knife. The officer then wrest the knife from his hand.

His arm was outstretched on the ground when the officer did that and he was lying motionless on the ground. I don't recall what the officer looked like who did that. It was a male officer. The officer walked away with the knife. I don't know where the knife went. Then more SDPD officers turned over the male's body and an officer used scissors to open his shirt to help him medically.

I completed the interview at approximately 0320 hours, and provided PAIR with my business card.

I took a photo of PAIR at the conclusion of the interview to document he was wearing a law enforcement uniform at the time of the shooting. The following is the photo I took:



Reporting Detective Mike Weaver I.D. 6153 Homicide Team: 1
Approved by:  #5869 Date of this report: 05-29-2018 Time: 1100

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

OFFICER INTERVIEWED: **MARTINEZ, Michael, ID #7591**

DOB: [REDACTED]

H/M 5'05" & 165 lbs

Date of Hire: 09/2016

Southern Division, 3rd Watch

1120 27th Street, San Diego CA 92154

Phone: [REDACTED]

Weapon Used: Glock 17 9mm

Interview of Officer Michael MARTINEZ:

On May 27, 2018, at approximately 2300 hours, I was informed an officer involved shooting just occurred. I directed other members of Homicide Team V to respond to the scene of the shooting, located at 2300 Tocayo Avenue.

I arrived on scene at approximately 0020 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA

in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

The briefing concluded at 0149 hours and the scene was turned over to Homicide Team V. Detective Kate ALLISION, Crime Scene Specialist Alyssa CARBONE and Criminalist Adam DUTRA began to identify evidence and process the scene.

At approximately 0545 hours, the shooting officers returned to the scene for the purpose of providing a recorded safety/walk-through statement. Present with the officers at this time was their PEER Support members and Police Officer Association Attorney Nory PASCUA. The safety/walk-through statements were conducted one at a time.

Beginning at 0600 hours, Officer Michael MARTINEZ provided us with a voluntary safety/walk-through statement. Officer MARTINEZ stated he fired his Glock 17 handgun five times in a southerly direction while standing in the middle of the intersection at Hollister Street and Tocayo Avenue. Officer MARTINEZ believed he was holding his weapon with both hands firing from a stationary standing position. Officer MARTINEZ believed the subject was standing up and facing him when the shooting occurred.

Officer MARTINEZ agreed to provide a voluntary statement. Prior to providing the statement, A/Lieutenant SHEBLOSKI and I reviewed Body Worn Camera footage of the shooting event. Officer MARTINEZ also reviewed the footage.

At approximately 0847 hours A/Lieutenant SHEBLOSKI and I sat with Officer MARTINEZ and his attorney, Nory PASCUA, in the conference room of the Homicide Office. We conducted a recorded interview and I have documented the statement below. The statement is in a word for word, question and answer format. The statement was typed by word processor, Rebecca AGUILAR, and I have reviewed the statement for accuracy. Any minor deviations from the audio recording are inadvertent and do not take away from the meaning or context of the statement.

SS: Stephen SHEBLOSKI, Acting Lieutenant – SDPD Homicide Unit
CL: Christopher LEAHY, Acting Sergeant – SDPD Homicide Unit
MM: Michael MARTINEZ, Officer – SDPD Southern Division, 3rd Watch
NP: Nory PASCUA, POA Attorney

CL: All right. Today's date is May 28th, 2018. The time is 0847 hours. My name is Detective Christopher LEAHY. I'm a detective with the San Diego Police Department's Homicide Unit. Currently we are at San Diego Headquarters located at 1401 Broadway in the Homicide Office. Also in the room with me is:

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SS: Sergeant Steve SHEBLOSKI.

NP: Nory PASCUA, POA Attorney

CL: And then Officer?

MM: Officer Michael MARTINEZ.

CL: ID number?

MM: 7591.

CL: Okay. I'm gonna ask you a couple of questions on this checklist. What's your middle name?

MM: Andres. A-N-D-R-E-S.

CL: Okay. And your age?

MM: [REDACTED].

CL: And date of birth?

MM: [REDACTED]

CL: And how tall are you?

MM: I am 5'5".

CL: How much you weigh?

MM: 165.

CL: And your hair color?

MM: Black.

CL: And eyes?

MM: Brown.

CL: And your police ID again is?

MM: 7591.

CL: And your badge number if you know it?

MM: 4760. (Inaudible).

CL: And your date of hire?

MM: My date of hire was September 1st, 2016.

CL: And your current assignment?

MM: Southern Division. And I'm on 3rd Watch.

CL: Southern Patrol 3rd Watch?

MM: Yes sir.

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CL: And who's your current supervisor?

MM: Victor RODRIGUEZ.

CL: And how long have you been at Southern Division?

MM: Since last August, so...

CL: August 2017?

MM: 2017, yes.

CL: And your Unit number this evening?

MM: I was 712King.

CL: And your vehicle number? Equipment number if you remember it?

MM: I believe my vehicle number was 7221.

CL: Work hours?

MM: 2100 to 0700.

CL: Days off?

MM: Tuesday, Wednesday and Thursday.

CL: How many hours of sleep did you receive prior or beginning of shift today?

MM: I would say I slept...I'd say I probably slept six hours and then I took about a three hour nap between, between like two and six p.m.

CL: Okay. Are you right or left-handed?

MM: Right-handed.

CL: And do you know your eyesight?

MM: [REDACTED]

CL: Your eyesight. Are you like 20/20 or?

MM: [REDACTED]

CL: Okay. And do you wear glasses?

MM: [REDACTED]

CL: Contacts?

MM: [REDACTED]

CL: Were your contacts in?

MM: [REDACTED]

CL: Do you have any illnesses?

MM: [REDACTED]

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CL: Are you currently taking any medications?

MM: [REDACTED]

CL: Did you have any alcoholic beverages within the last 24 hours?

MM: No.

CL: Do you have any injuries?

MM: No.

CL: And were you wearing a ballistic vest or?

MM: [REDACTED]

CL: Yeah. Front and back panel?

MM: [REDACTED]

CL: And your primary duty weapon is a?

MM: Glock 17.

CL: 9mm?

MM: Yes sir.

CL: And do you know what the serial number of your gun is?

MM: I do not.

CL: Is it Department issued?

MM: Yes it is.

CL: Do you have a secondary weapon that you keep on your person?

MM: [REDACTED]

CL: And what's the make?

MM: [REDACTED]

CL: Caliber?

MM: [REDACTED]

CL: Model?

MM: [REDACTED]

CL: Do you know what the serial number is?

MM: [REDACTED]

CL: Okay. And is that your personal gun?

MM: [REDACTED]

CL: And your primary duty weapon, do you carry a round in the chamber?

MM: [REDACTED]

CL: Okay. And also on the secondary?

MM: [REDACTED]

CL: And how many rounds do you carry in each of your magazines in your primary weapon?

MM: [REDACTED]

CL: Seventeen plus one?

MM: [REDACTED]

CL: And did you have extra magazines with you this evening?

MM: [REDACTED].

CL: [REDACTED] Have you altered your weapon? Your primary weapon in any way? Any additional bells and whistles on it?

MM: [REDACTED]

CL: [REDACTED]
MM: [REDACTED]

CL: Did you deploy any less lethal force options this evening like pepper spray? Baton, ASP, nunchucks, Taser, bean bag?

MM: Yes. Taser.

CL: And how many Taser deployments?

MM: One.

CL: All right. So before we get started, you've obviously consulted with your attorney prior to sitting down and agreeing to provide a voluntary statement to us. Is that true and accurate?

MM: Yes.

CL: Okay. So after speaking with your attorney you're here to just provide a voluntary statement to the Homicide Unit about the events leading up to this evening?

MM: Correct.

CL: Okay. So can you tell me how did you become involved in the radio call or the incident itself?

MM: My partner Officer MUNIZ and I were on another call. We were just clearing. We heard this call come out as a 4, I think it was a 415 weapon involving a knife. I remember hearing over the radio that there was a male suspect swinging a knife towards oncoming vehicles on I believe it was Tocayo and Oro Vista or Tocayo and Hollister.

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CL: Um hmm.

MM: Me and my partner decided to come to this call, to respond to the call and uh...

CL: And I'm sorry. Who was your partner again?

MM: Officer MUNIZ.

CL: Can you spell that?

MM: M-U-N-I-Z.

CL: First name if you know it?

MM: Michael.

CL: Okay. And were you driving or was Officer MUNIZ driving?

MM: Officer MUNIZ.

CL: Okay. So you were the passenger officer?

MM: Yes sir.

CL: And when you heard that call broadcast, you said you guys were just clearing a call. An unrelated call. Do you remember where you were when you heard the call broadcast?

MM: Uh yes. I was at...I think it was 160 Calle Primera I think. It was at the Motel 6.

CL: And did you guys volunteer to respond to the call or were you dispatched?

MM: We volunteered but I don't think that we put, actually put ourselves on it. We just started rolling that way.

CL: Okay.

MM: In that direction.

CL: Were you rolling...?

MM: Uh driving.

CL: Okay.

MM: Yeah, we were rolling Code.

CL: Okay.

MM: Yeah.

CL: And so as you guys are leaving the Motel 6 and heading in the direction of this radio call, I believe it was at Tocayo and Hollister. Is that correct?

MM: Yes.

CL: Can you tell us what you were seeing? What you're observing? Whether the radio was giving updates?

MM: Yes. Um I believe Sergeant ADAMS got on the radio and said that Border Patrol had the suspect at gunpoint. And he later got on the radio and requested a Canine to roll Code 3 to the location. We were already getting off of the, the 5 on-ramp onto the 905 westbound, which is just a little, it's like one exit away from Tocayo Avenue.

CL: Umm.

MM: So we ran, we used our vehicle lights and sirens. We continued rolling Code down the road.

CL: Going westbound on Tocayo?

MM: Going westbound on, on the 905 on-ramp onto Tocayo. Off-ramp onto Tocayo.

CL: Yeah.

MM: It's kind of confusing.

CL: Um hmm.

MM: Um, and uh we approached the, the scene where all the vehicle um, SDPD and Border Patrol lights were, had their vehicle lights on.

CL: About how many patrol vehicles, or police vehicles and police officers did you see? If you can just kind of describe the scene. What you were, what you were observing?

MM: Yeah. As we were approaching the intersection of Hollister and Tocayo I remember seeing two SDPD vehicles and a cluster of Border Patrol vehicles. Everybody was kind of parked off to the northeastern corner of that intersection. We parked a little bit south of the rest of the vehicles and when I approached the scene I observed a white or Hispanic male. He had a knife in his right hand. He was holding it pretty tight. At least I can, it appeared he was holding it, he was holding the knife pretty tight. And he was advancing on the Border Patrol agents who had him a gunpoint. And they were on the, they were on that north, like that northeast corner on the curb. And he continued walking towards them. I unholstered my firearm and I believe he was close enough that he would easily been able to stab any of those two or three Border Patrol agents. The only reason I didn't fire was because there was two other Border Patrol agents in the background, kind of running back and forth. So I holstered my firearm. I pulled out my Taser since a lot of officers already had their lethal weapons out. One San Diego Police Officer had the bean bag pointed at the suspect and that's the reason why I pulled my Taser out. So I reholstered my lethal and I pulled my non-lethal out. And the bean bag was deployed.

CL: A few moments ago you described the subject advancing towards a group of two to three Border Patrol Agents. Were those Border Patrol agents on foot or inside their vehicles? How were they integrated into the scene?

MM: They were standing on the north, on the northeast corner of that intersection on the, on the sidewalk. They had their firearms kind of pointed westbound on Tocayo. The subject was facing them. He was facing east, kind of eastbound facing them. And he just continued to gradually make steps to continue to walk towards them. And they continued to back up. I think he made it all the way to the sidewalk where they were at if I remember correctly. And the only reason why I didn't fire my weapon at the suspect then was because those Border Patrol agents were in the background.

CL: And then what led you to conclude that these other officers were Border Patrol Agents? Were they in uniform? Were they identifying themselves as officers?

MM: I'm familiar with, working with Border Patrol so I know their uniform is forest green. Their vehicles were also marked Border Patrol vehicles. They had their lights on. And there was quite a bit of them.

CL: Okay.

MM: On scene.

CL: Could you hear the subject saying anything to any of the officers whether Border Patrol or San Diego PD? Was he saying anything at all?

MM: At that moment in time, there was a lot of commands being or yelling back and forth and I can't recall exactly who was saying what and what they said. I don't remember.

CL: And then when you said you heard commands being said, were they directed at the subject?

MM: I shouldn't say commands. The Border Patrol Agents were yelling at the suspect. I just don't remember what he, what they were saying.

CL: Okay.

MM: Yeah.

CL: And you recognized that there was a threat with this individual with the knife advancing towards the Border Patrol agents, but you described transitioning from your handgun and then pulling out your Taser because of a crossfire situation? Is that correct?

MM: Yes. And I also believe that there was a lot of, a lot of the Border Patrol Agents already had their lethal out. One of our guys had our bean bag so I just decided to use the Taser because I wasn't gonna be able to fire my lethal with that backdrop.

CL: At the time you made you that transition by holstering your firearm and deploying your Taser. Not deploying it, but pulling it out, had the subject been impacted by any bean bag rounds at that particular moment?

MM: I don't believe so. Not yet.

CL: Okay.

MM: Yeah.

CL: So what happens when you have the Taser on the subject? If you can kind of just walk us through? What are you seeing? What are you hearing and what are you observing?

MM: I still heard a lot of yelling back and forth. I did point my Taser at the subject and it was around that time when the bean bag was deployed. One bean bag struck him either in like his stomach or like dead center chest. He quickly kind of leaned forward slightly and then he, he turned and ran. He turned his back towards all of us and ran westbound on Tocayo, crossing the intersection.

CL: Did the bean bag appear to have any effect on him?

MM: None at all.

CL: Okay. And had you observed any Taser deployments at this particular time?

MM: I don't recall any other....

CL: Okay.

MM: Taser deployments.

CL: And then go ahead and continue. What happens? Does he continue...and as he crosses westbound past Hollister?

MM: Yes. He crosses, runs westbound on Hollister.

CL: On Tocayo.

MM: I mean...I'm sorry, yeah. On Tocayo. He crosses that intersection. He continues running westbound on Tocayo. I began running after him. I had my Taser out. I believe I shut the Taser off so the red light wasn't on. And as I got closer to him, I reactivated it. I pointed it towards him. I had my flashlight also. He turned around towards me. He still had the knife in his right hand. And I told him to get down. I kept on giving him multiple directives to get on the ground. He did not comply.

CL: How many times do you think you told him to...gave him instructions?

MM: I would say three.

CL: And you were telling him to get down?

MM: Get on the ground. Yeah, get on the ground. Get on the ground. As I was running up to him I remember seeing shadows and hearing people running behind me. So I yelled for lethal to come on my right side. I felt that he was already so close to those Border Patrol Agents, I thought that he would be willing or try to stab me with that knife so I wanted lethal by me.

CL: Umm hmm.

MM: I just remembered seeing shadows. It was pretty dark so I thought somebody was next to me. I'm not sure if they were. When I told him to get down on the ground, he said no twice. And I yelled out "Taser! Taser! Taser!" And I deployed my Taser. I saw my red dot like it, kind of bouncing around on his chest. His stomach area. He was kind of moving around a lot. I thought I had a good shot at one point where he kind of stopped and stayed still, but it missed.

CL: So the Taser was ineffective?

MM: I don't believe the Taser struck him. No.

CL: Okay. And so you deployed your Taser. And then what happened?

MM: I deployed my Taser and he kind of, he kind of runs. Kind of like he makes like a U-turn in the middle of the street and runs back towards the, towards the intersection where he had came from.

CL: So he's, now he's going, moving his way back eastbound?

MM: Eastbound.

CL: On Tocayo, towards Hollister?

MM: Correct.

CL: Okay.

MM: And he kind of gets right on the like the north, north part of the intersection right by on Hollister and Tocayo. Like the northern part of the intersection. And he was kind of swinging his, his, the knife around. He turned around...

CL: And so, now you were just indicating with your right hand you were swinging your right hand as if you were opening a door?

MM: Right. And he kind of turned around. So he turned his body around and he did it again. And then he ran southbound in the middle of the intersection.

CL: Southbound on Hollister?

MM: So southbound on Hollister. At some point I don't remember how I...I was trying to get my, my extra cartridge from Taser out and I just couldn't. I couldn't take it out of the, couldn't take it out. So after I Tased him and he ran, I disconnected the cartridge and I tried replacing it but I couldn't, I couldn't get it out.

CL: You physically were unable to?

MM: I was physic...yeah I just couldn't. I was trying to run after him and try to do it and I just couldn't do it. When he was back in the intersection going southbound on, on Hollister I don't remember putting my Taser back in the holster but apparently I did. I unholstered my handgun and I was giving him directives to get on the ground again. At one point I yelled San Diego Police. Get on the ground. He wasn't complying with my directives nor any of the other officers' directives. And uh...

CL: And if I could real quick, when you say he wasn't complying, was he just ignoring or was he responding to you in any way. Or to any officers? Like what was his demeanor like?

MM: I think he was just ignoring. I don't think he said anything. I don't remember him saying anything to any of us. He was still kind of running around, almost trying to find an escape route. He had the knife kind of close to him, like almost like in a fighting stance. Like real tucked towards his chest. And some points where...

CL: So you're in, and you're indicating with your right hand up towards the center portion of your torso and was, which direction was the blade?

MM: I don't remember.

CL: But in somewhat....the way you're demonstrating it, it appears to be an aggressive stance?

MM: Right. He did take an aggressive stance towards me. Once he turned around he almost got into like a fighting stance with his, you know, like his left foot in front of, you know, his right. He began advancing towards me, kind of hopping, half hopping, half jogging towards me. I went back a couple of steps and he continued to advance and I discharged my firearm in his direction.

CL: Okay. And he was, you were facing south at that time?

MM: Yes.

CL: And how many rounds do you think you fired?

MM: I believe, I think I fired approximately five.

CL: Okay. When you described the subject as kind of starting to charge at you with the knife and you were describing and kind of demonstrating a physical stance. Was he, the subject, looking at you or was he focused on you if you remember?

MM: Yeah. He was, he was looking at me but he was also looking around. He kept bringing his, the knife out towards him, like in front of his body.

CL: So you're extending your right arm from your chest and extending it outwards?

MM: Yeah.

CL: Forward in front of you.

MM: Umm...

CL: Do you remember the blade of the knife? Which direction it would be facing? Or was facing?

MM: I, I don't.

CL: Okay.

MM: Yeah.

CL: Could you describe the knife to us?

MM: He had a good grip on the handle. I just, I remember seeing the knife. In the beginning I would say it was about maybe a three inch silver shiny tip and then I also saw it after I tried to Tase him and he ran towards the north part of that intersection on Hollister. And he was kind of swinging in his right arm around. I saw it again. And then that's when he ran southbound on Hollister and I just kind of saw it quickly when he turned around. I obviously knew that it was in his hand because I could see the shine from all the lights. I could see it in his hand. He was holding it pretty, pretty tight. But I just can't, I can't tell you which direction he was pointing the blade at or towards.

CL: Was he pointing it at officers? Or was he just in general swinging the knife?

MM: I think he was just in general swinging. I don't think he was...in the beginning with the Border Patrol Agents he wasn't swinging at them either. He was just advancing toward them. But he did have it, you know, kind of putting his arms out. Putting his arms out...

CL: Out to his side?

MM: out to his side. Um...

CL: I mean like...

MM: getting in a fighting stance as if he was going to charge them in the beginning. And that's kind of what he did to me as well when he, when he started advance towards me. He kind of got into that fighting stance. And he made these like, it was almost like a jog, a hop towards my direction.

CL: Okay.

MM: Once I backed up about two steps, he continued to advance towards me. I felt that he was gonna, I thought that he was gonna stab me or one of the other officers so I, I discharged my firearm.

CL: And when you discharged your firearm um, well I just want to understand. What were you, what did you believe was going to happen? Was, did you believe that this subject was advancing on you? Or another officer? Or...?

MM: I thought he was advancing on me.

CL: Okay. And what did...

MM: And that he might stab me, possibly kill me.

CL: Okay. Did it look like to you, based on your observation of this knife, that it was the type of weapon that could produce great bodily injury?

MM: Yes.

CL: Okay. After you deployed your handgun and fired your shots, can you tell us what happened after?

MM: After I, after I fired my shots, he went down on his back. He still had the knife in his right hand. He was still holding onto it. I was giving him commands to drop the knife.

CL: Where were his feet pointing? The subject's feet when he was down on his back?

MM: Towards, towards me.

CL: Okay.

MM: Yeah. His, his feet were facing towards me.

CL: And you said you could still see the knife in his hand?

MM: Yes. Cause he uh, he was laying on his back. At one point he had both of his hands kind of up like this. (*Indicating*)

CL: Braced? So you're indicating that he's on his back, but that his hands and you had both of your hands in a fist.

MM: Yeah.

CL: Were above his head raised?

MM: Um.

CL: With a bent, with bent elbows?

MM: It was, yeah. It was more like his uh, they were almost like at a 90 degree angle.

CL: Okay.

MM: So it was like...

CL: Elbows?

MM: his triceps was on the...

CL: Resting on the ground?

MM: resting on the ground. And then his arm kind of, his right arm went back. His left arm stayed, kind of stayed up. And he was still holding onto it. We were giving him commands to drop the knife. Let go of the knife. He didn't comply. I told him that, I told him something like, "Dude, drop the knife. We need to get you medical attention. Drop the knife." And he didn't. And then at some point he kind of started, his body started to kind of go limp. His legs kind of drooped. Both of his arms went down and we advanced on him. And officers took the knife away.

CL: Were you part of that arrest team that advanced on him?

MM: I guess I was.

CL: Okay. And then did you place handcuffs on him?

MM: I did not.

CL: Do you know who did?

MM: I do not.

CL: And then once the subject's placed in handcuffs, can you tell me, well what you observed happening?

MM: We placed him in handcuffs. Somebody cut, cut his shirt off of him. They, they used their knife to cut his shirt open.

CL: Do you know what the purpose of that was?

MM: I don't know.

CL: Okay.

MM: We put him in the recovery position. I searched the right side of his pockets. His waistband. His groin area for any other weapons. I saw that he was bleeding from his thigh, his stomach and his like rib. His right rib area.

CL: And, and you, you motioned to your right thigh, right torso and...

MM: And like right, like maybe like his right lower, like stomach, like love handle area.

CL: Okay. Yeah.

MM: Right there.

CL: On his right side?

MM: On his right side. And uh, yeah.

CL: And did you or anybody render any aid to him?

MM: I didn't, I didn't render any aid to him. I think one of the other officers was getting that, the quick...

CL: Clot.

MM: gauze. I'm not, I don't think that they applied the...Fire was 97 pretty quick so they took over.

CL: Okay.

MM: But I, I didn't.

CL: How long, if you had to estimate, were you on scene to the point where you fired your shots? It's an estimation.

MM: Okay. Uh I'd say seven, six minutes. Seven minutes.

CL: Okay. And kind of how you described to us, it sounds like it's a rather dynamic scene. Like he wasn't standing in one place. It sounded like you were describing him running around and pivoting and, and kind of challenging various groups throughout that larger scene. Is that correct?

MM: Yes.

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Interview of Officer MARTINEZ
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CL: Okay. Sarg?

SS: So you're there for six or seven minutes and during the entire time it sounds like either you or other officers are giving him verbal commands, correct?

MM: Yes sir.

SS: Were any of...were those commands effective?

MM: No they were not.

SS: And then during this incident you or other officers attempted to use a Taser or bean bag, less lethal options to disarm the suspect?

MM: Correct.

SS: And were any of those options effective?

MM: No.

SS: So when he rushed at you, about how far away was he when he rushed at you with a knife? Estimate?

MM: Um.

SS: When he began the...

MM: When he began I would say probably the length of this room probably.

SS: Okay.

MM: Maybe fifteen feet.

SS: Fifteen feet. Did you feel that you had any other alternative other than to use your firearm when he rushed at you.

MM: No.

SS: And when he rushed at you, what were you in fear of?

MM: My life. I thought he was gonna stab me with the knife.

SS: That's all I have.

CL: Do you recall at any point did the subject ever say anything? Besides telling you no, did he ever say anything? Did you hear him?

MM: No.

CL: Okay. That's it for me. Nory do you have anything?

NP: No.

CL: Okay. Thank you. All right. That will conclude the interview at 0917 hours.

END OF DISC: TOTAL TIME 30:48.

Reporting Detective Christopher LEAHY

I.D. 5869

Homicide Team: 5

Approved by: [REDACTED]

Date of this report: 05-30-2018

Time: 0840 Hrs.

OFFICER INVOLVED INCIDENT CHECKLIST

LAST NAME: MARTINEZ FIRST: Michael MIDDLE: Andres

Age D.O.B. Height 5'05"

Weight 165 Hair Blk Eyes Bro

Police ID # 7591 Badge # 4760

Date of Hire 09/01/2016

Assignment Southern Division 3rd Watch -Patrol

Supervisor Sgt. Victor RODRIGUEZ

Length of Assignment August 2017

Unit # 712K3 Equipment # 7221

Work Hours 2100-0700 Days Off TWTh

Hours of Sleep Prior to Shift 9

Right/Left Handed Right

Eye Sight Unknown

Glasses? Contacts

Glasses or Contacts Worn?

Illnesses

Medications? Yes ☐ No ☐ Date

Time Type/Amount

Have you drunk any alcoholic beverages in the last 24

Hours? If so, Type None

Quantity None

INJURIES/COMMENTS: None

Protective Vest

Worn?

Front Panel?

Back Panel?

Primary Weapon

Make Glock Caliber 9mm

Serial # Model # 17

Department ☒ Personal ☐

Secondary Weapon

Make Caliber

Serial # Model #

Department

If weapon is an automatic, was it carried with a round in the chamber?

Primary Weapon

Secondary Weapon

Carbine

Number of rounds carried in magazine or cylinder?

Primary Weapon

Secondary Weapon

Carbine

Extra magazines or speed loaders?

 Quantity

Have you altered your weapon?

If so, how? Streamlight attached

Less Than Lethal Force Used? Yes ☒ No ☐

OCN (Pepper Spray) ☐ Baton ☐ ASP ☐

Nunchukas ☐ Taser ☒ Beanbag ☐

Other ☐

LEAHY #5869
Sergeant

05/28/18
Date:

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)
TIME (occurrence): 2252 Hours
LOCATION: 2300 Tocayo Avenue, San Diego, CA
SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER-TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **Kristen Adams #5384**
Acting Sergeant
Southern Division Patrol
1120 20th Street
San Diego, CA, 92154
Phone: [REDACTED]

ORIGIN:

On May 27th 2018, at 2339 hours, Acting Detective Sergeant Christopher Leahy #5869 informed me there was an officer involved shooting case we were being assigned to investigate. He directed me to respond to 2300 Tocayo Avenue, and join other homicide investigators to assist with the investigation.

I arrived on scene on May 28th at 0035 hours, and parked my unmarked police vehicle on the north curb line of 2300 Tocayo Avenue. I exited my vehicle and met with other members of the San Diego Police Department's Homicide Team 5. At 0122 hours, I attended a briefing conducted by Southern Patrol Acting Sergeant T. Bryan #5301. At 0149 hours, the briefing concluded.

At 0307 hours, A/ Sgt. Leahy directed me to respond to Southern Division located at, located at 1120 27th Street. A/Sgt. Leahy directed me to interview Acting Sergeant Kristen Adams #5384 and Officer Max Verduzco #7409.

Investigator's Report

Witness: Acting Sergeant Kristen Adams #5384

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Acting Sergeant Kristen Adams #5384 was the first person I interviewed. A/Sgt. Adams was the first officer from the San Diego Police Department to arrive on-scene to the 9-1-1 call at 2300 Tocayo Avenue.

My interview with A/Sgt. Adams took place in the sergeants' office. The interview was audio recorded in its entirety. I later downloaded the interview onto a CD and impounded it as the original. I also made a working copy of the interview and put it onto a CD. I provided the working copy to Detective Kate Allison #5806.

Statement of Acting Sergeant Kristen Adams (Witness):

My interview with A/Sgt. Adams began at approximately 0323 hours. Acting Sergeant Adams essentially told me the following in response to the questions asked of him.

I was at the second watch 10-17 (1330 30th Street, the location where reports are reviewed and approved). I looked at the calls holding and saw there was a 415W (Disturbance involving a weapon) and started reading the details of the call. Two units had been dispatched to the call. Shortly thereafter, I responded to the call. I entered onto highway-905. The dispatcher updated the call and stated that Customs and Border Protection Agents were contacting the subject of the radio call, who at the time was said to be armed with the knife.

I exited onto Tocayo Avenue and drove westbound towards the location. I was the first San Diego Police Officer to arrive on-scene. I stopped my car on Tocayo Avenue, just before the crosswalk at Hollister Street. I was about two to three car lengths east of the crosswalk. When I pulled up, I broadcasted my observations, informing dispatch that Border Patrol Agents had one at gunpoint.

The way the vehicles were parked, I only saw one Border Patrol Agent with his gun un-holstered. The Agent was on the south side of their van. The van was stopped in the northbound lanes of the intersection, just south of the (north) crosswalk.

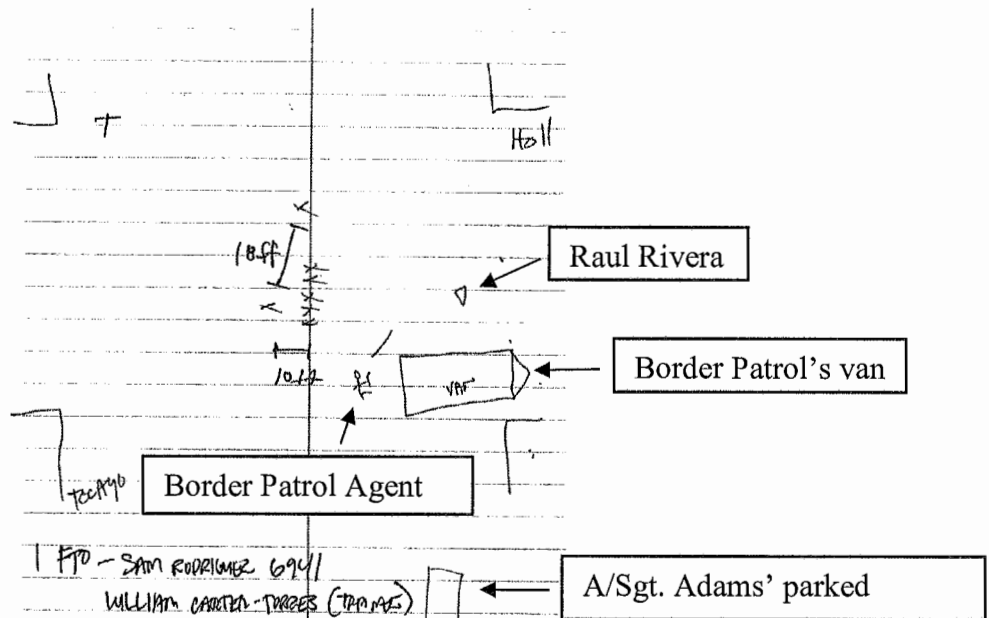
A/ Sgt. Adams then drew a diagram of the intersection and told me where he initially saw the border patrol agent and Rivera when he first arrived on scene. (See below)

Investigator's Report

Witness: Acting Sergeant Kristen Adams #5384

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I believe I parked my patrol car in the #2 lane of traffic. When I walked over here, I saw the other Border Patrol Agents. There was minimum of five agents there. I believe additional agents responded as the event progressed.

The other agents were north of the van facing south towards where Rivera was positioned. I walked towards the front of the Border Patrol vehicle. Rivera was constantly moving. The Agents were yelling commands at him to get on the ground and to put the knife down. Rivera was advancing towards them and had an aggressive, over the shoulder, challenging stance. As I was standing here (*indicating*) on the sidewalk, (*northeast corner of the intersection*) I heard Rivera yell, "Come on, just shoot me, just shoot me." Rivera was telling the Border Patrol Agents to shoot him. He continued advancing.

There was one point when a Border Patrol Agent was within arm's length of Rivera. That was too close for me. I got on the radio and requested to have a K-9 respond Code-3 (*lights and sirens*) to our location.

Rivera was holding the knife and he was not letting go of it. He was saying, "Shoot me, shoot me, I don't give a fuck." He was aggressive and continued to advance towards Border Patrol Agents. The Agents were backing up while he was advancing on them. Personally, I was surprised Border Patrol Agents didn't shoot him. Things seemed to be deteriorating.

I think it was Southern Division Patrol Officer Joel Mendoza #5555, who drove southbound on Hollister Street. He armed himself with his less lethal bean bag shotgun. I believe Officer Mendoza was the first officer who deployed bean bag rounds directed at Rivera. I believe Officer Mendoza fired his bean bag shotgun 1 or 2 times. Every time Rivera was impacted with a bean bag round, his grip never released that knife.

Investigator's Report

Witness: Acting Sergeant Kristen Adams #5384

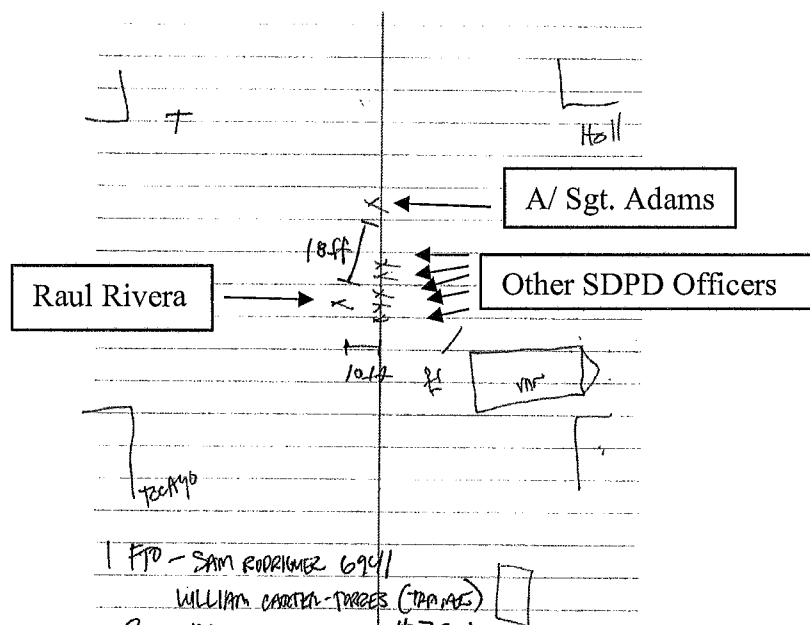
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Rivera then ran westbound on Tocayo Avenue. Someone attempted to deploy their Taser on Rivera. I want to say there was two or three Taser attempts. The first Taser deployment may have missed Rivera. The other two had no effect on him.

Rivera was running all over the place on Tocayo Avenue. He ran down close to the next intersection (*Gayo Court*), west of Hollister Street. Rivera then ran eastbound (*towards the southeast corner of the Tocayo Avenue and Hollister Street intersection*). He didn't pass the (*east*) crosswalk (*north/south cross walk on Hollister Street at Tocayo Avenue*). Rivera then ran this way (*northwest to the center of the intersection*). I was yelling out "crossfire." The officers were backing up away from Rivera. The Border Patrol Agents were out of it, it was all members of the San Diego Police Department at this point. The officers were giving commands, directing Rivera to drop the knife and get onto the ground. We were backing up because he still had the knife and was coming towards us with it. The knife was a folding knife. The knife was down to his side. The knife was on his right side and I was on his left side so I couldn't see exactly where it was. Rivera was moving around like a boxer. He had the knife out with the blade extended out. Then gunshots were fired.

I asked A/Sgt. Adams where he was at when the shots were fired. He drew on the map of where he, the officers and Rivera were standing before the shooting. A/Sgt. Adams told me the officers were approximately ten feet away from Rivera and he was approximately eighteen feet away from Rivera.



I didn't fire my gun. I heard approximately ten gunshots fired. Three officers shot Rivera. I observed Rivera go down onto the ground. Rivera still had the knife in his hand. It looked like his grip was frozen on the knife. We kept telling him to let go. I directed an arrest team to move forward and try to kick the knife out of his hand. We started to take a couple steps towards Rivera, who was still on the ground.

Investigator's Report

Witness: Acting Sergeant Kristen Adams #5384

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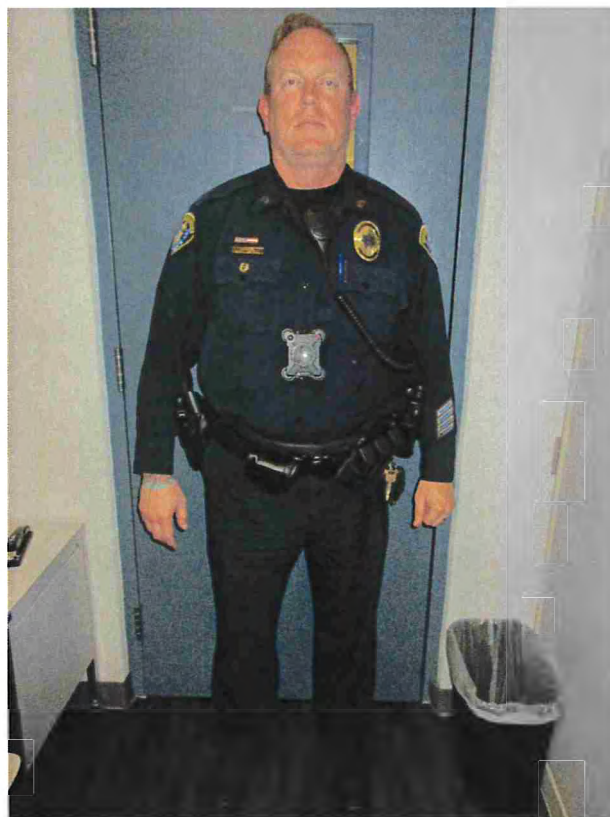
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We gave orders of Rivera to let go of the knife. Eventually Rivera released his grip on the knife. One of the guys got up there and got it out of the way. We then turned Rivera over and handcuffs were placed on him.

The officers who deployed less lethal bean bag rounds were Joel Mendoza #5555 and Daniel Castellanos #7329. The officers who fired their handguns were Sam Rodriguez #6941, William Carter-Torres, and Michael Martinez #7591.

-The interview concluded at 0353 hours.

After I obtained A/ Sgt. Adams' statement, I photographed him. I later copied the photo onto a CD and impounded it as an original. I made a working copy of the photograph and provided the copy to Detective Allison.



Reporting Detective Andrew Tafoya I.D. 6101 Homicide Team: 5
Approved by: [Signature] #5869 Date of this report: 05/29/18 Time: 1821 hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER-TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **SDPD Officer Max Verduzco #7409**
Southern Division Patrol
1120 20th Street
San Diego, CA, 92154
Phone: [REDACTED]

WITNESS STATEMENT:

On May 27th 2018, at 2339 hours, Acting Detective Sergeant Christopher Leahy #5869 informed me there was an officer involved shooting case we were being assigned to investigate. He directed me to respond to 2300 Tocayo Avenue, and join other homicide investigators to assist with the investigation.

I arrived on scene on May 28th at 0035 hours, and parked my unmarked police vehicle on the north curb line of 2300 Tocayo Avenue. I exited my vehicle and met with other members of the San Diego Police Department's Homicide Team 5. At 0122 hours, I attended a briefing conducted by Southern Patrol Acting Sergeant T. Bryan #5301. At 0149 hours, the briefing concluded.

At 0307 hours, A/ Sgt. Leahy directed me to respond to Southern Division located at, located at 1120 27th Street. A/Sgt. Leahy directed me to interview Acting Sergeant Kristen Adams #5384 and Officer Max Verduzco #7409.

My interview of Verduzco began at approximately 0416 hours.

Statement of Officer Max Verduzco (Witness):

Officer Verduzco essentially told me the following in response to the questions asked of him.

When the radio call came out, I was in beat 725. I heard the 415-Weapon call aired and responded towards the scene. While listening to the radio dispatch, I heard "step it up." I drove down 25th Street to Iris Avenue, then onto Tocayo Avenue. I continued driving westbound on Tocayo Avenue.

Investigator's Report

Witness: Officer Max Verduzco #7409

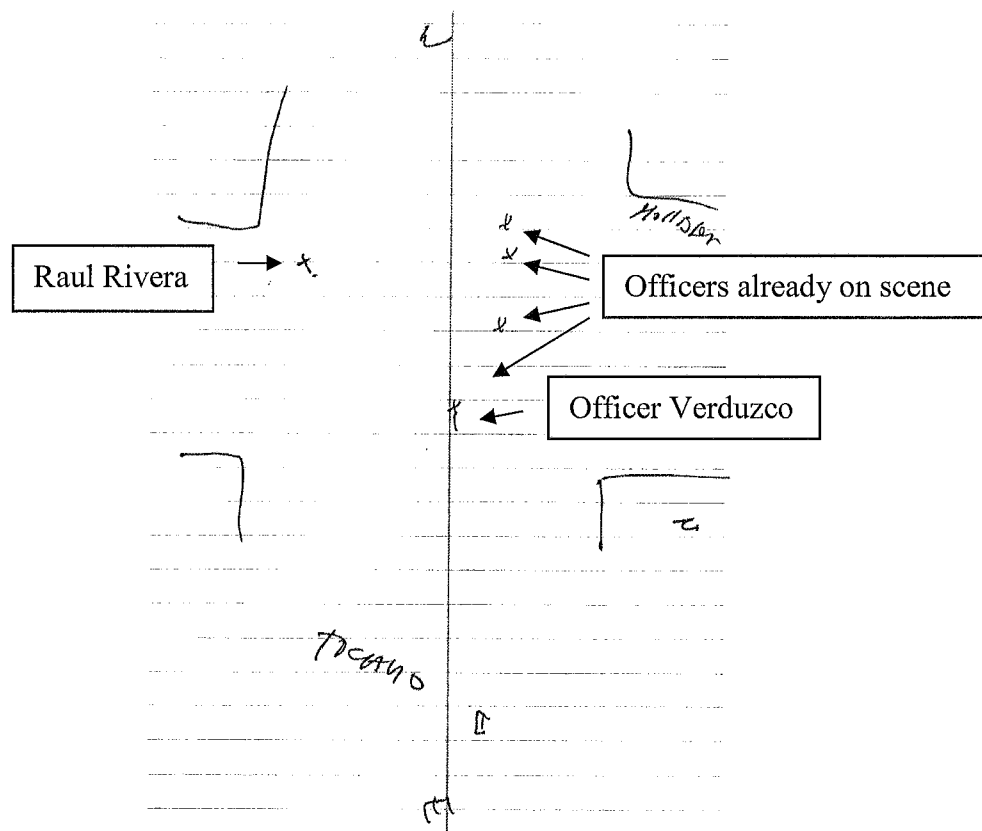
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When I arrived on scene I noticed other Officers arrived prior to me. I believe about five other Officers arrived before me. I don't know how many Border Patrol Agents were already there.

I parked my patrol vehicle on Tocayo Avenue, east of Hollister Street, in the #2 lane of traffic. I was about three car lengths east of the intersection. I ran up to the group of Officers to assist.

I drew a diagram of the intersection. I asked Officer Verduzco to mark the area where he believed everyone was standing before the shooting. Officer Verduzco drew an X where he believed everyone was positioned and described who was where. See below drawing.



When I approached the scene, Officer Casteallanos #7329 and I asessed what we needed, in terms of resources to help the officers. I could see the man holding a black knife in his hand. It looked like a flip blade knife. I heard the Officers giving the man commands to drop the knife. Officer Castellanos asked if I had any more bean bag rounds. He then asked for a unit to block off the northbound lanes of traffic at Hollister Street because those vehicles were down range of the Officers, who at the time were pointing their firearms in that direction. One of the Border Patrol Agents volunteered to block off the norhtbound lanes of traffic. Simultaneously, I ran back to my patrol car to retrieve additional bean bag shotgun rounds. That is when I heard the gunshots being fired. I was at my vehicle and unable to see what had happened.

Investigator's Report

Witness: Officer Max Verduzco #7409

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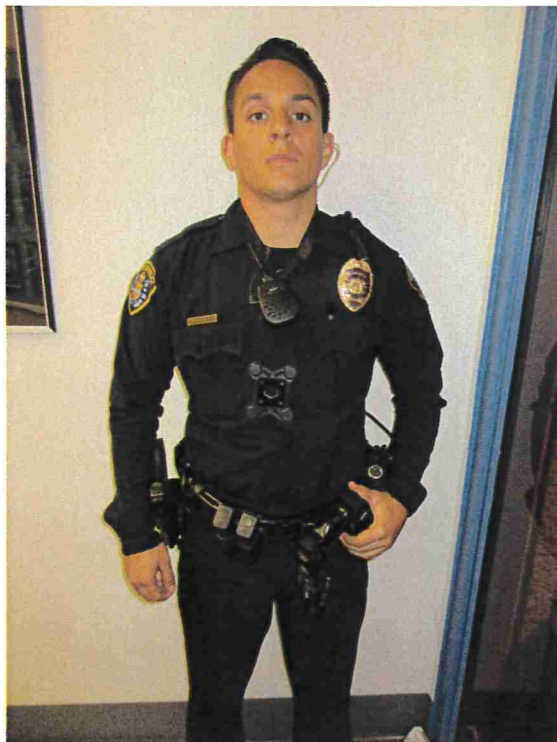
When I returned to the scene, the Officers were giving the subject on the ground additional commands to drop the knife. I could see the man was still moving a little and he was continued holding onto the knife. The man wasn't saying anything at the time but he was still holding onto the knife.

I told the other Officers around me that I was going to go hand on. We then began moving forward towards the man. Eventually he dropped the knife onto the ground and we advanced forward towards him. I was behind Officer Castellanos. The knife was within reaching distance of the man so I think I kicked the knife away from him. We turned the man onto his belly so we could handcuff him.

-End of Statement-

The interview concluded at 0426 hours.

After I obtained Officer Verduzco's statement, I took a photo of him in his full uniform. I later copied the photo onto a CD and impounded it as an original. I also made a working copy of the photo and put it onto a CD. I later turned the CD over to Detective Kate Allison.



**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:

Border Patrol Agent **Eugene O'NEILL**
ID# I216
1802 Saturn Boulevard
San Diego, CA 92154
[REDACTED]
[REDACTED]

On May 28, 2018, at approximately 0003 hours, Sergeant Steve SHEBLOSKI #5317 informed Homicide Team I that an officer involved shooting had just occurred. According to Sgt. SHEBLOSKI, there were multiple law enforcement and civilian witnesses at the scene and Team V needed assistance. I was directed to respond to the scene, located at 2300 Tocayo Avenue, to assist Homicide Team V with witness statements. I arrived on scene at approximately 0100 hours.

At 0122 hours, A/Sergeant T. BRYAN gave the briefing of the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

Investigator's Report

Witness: Agent Eugene O'NEILL

Case #18-001350/ 18-001351

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During the briefing I learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The briefing ended at 0149 hours.

At 0200 hours, I cleared the scene along with the rest of Homicide Team 1 and responded to 1802 Saturn Boulevard to conduct interviews with the Border Patrol Agents. I arrived at the Border Patrol Station at approximately 0205 hours.

Each Agent we spoke to had a representative present during their interview with us, with the exclusion of Supervising Agent PINOT, Agent's LUNA, PAIR, PORTER and ROLLINS who did not have a representative. The representative present during these interviews was Agent Christopher ROLLINS.

Detective J. ZALDIVAR #5516 and I interviewed the following Border Patrol Agents who were present on scene during the shooting:

- Eugene O'Neill
- David Paniagua
- Francisco Garcia Jr
- Alex Parafox
- Leslie Pinot (Supervisor)
- Julian Hernandez
- Jacob Felix
- Leo Shook
- Francisco Martinez

Detective's M. WEAVER #6153 and A. TAYLOR #6399 interviewed the following Border Patrol Agents who were also present during the shooting in a separate conference room:

- Hector Luna
- Scott Pair
- Brandon Porter
- Christopher Rollins (Dispatcher)

Each interview was audio recorded for accuracy. On May 28, 2018 at 0218 hours, Detective ZALDIVAR and I interviewed Agent Eugene O'NEILL. Also present during this interview was Agent ROLLINS (representative), Detective WEAVER and Detective TAYLOR from Homicide Team 1.

STATEMENT OF BORDER PATROL AGENT EUGENE O'NEILL:

I was south of Tocayo and Hollister returning to the station to turn in my keys. Just before I reached the intersection. A civilian flagged me down in their vehicle and told me there was a gentleman with a knife scaring people. As I approached the intersection I got on the radio and tried to put out information. I hit the intersection and put my lights on. The guy saw me and started to approach me. I was still inside my vehicle.

The guy was about 5'7" wearing an "Army" t-shirt, shorts and holding a knife with a silver blade and black handle. I believe the knife was in his right hand. When I was on the radio trying to explain what was going on, he started coming towards the vehicle. I immediately pulled my weapon out. I told him to stop and drop the knife. I stepped out of the vehicle and he told me, 'You will have to kill me to make me drop this knife'. At this point I believe it was just me on scene. My vehicle was in the intersection and I was facing northbound. There was a row of civilians stopped in their vehicles at the intersection.

I believe the guy (with the knife) came within 3-4 feet of me on my driver side of my vehicle. I was able to step out and step back. I pointed my weapon at him and he was probably about 10 feet from me. He was clearly distraught. He seemed to be impaired by some sort of drug or alcohol. He kept saying, "Kill me, kill me, kill me!" That whole process seemed to take 3-5 minutes. Somehow we switched positions, which I could see all the people behind the guy so if I had to shoot him I didn't want collateral damage that way.

I am not sure what race this guy was. He was wearing a black baseball hat. I believe he had dark hair. He spoke to me in English. I did not fire my weapon. I remember trying to calm the guy down and then Agent PANIAGUA came up to my left side. He started talking to this guy. So it was approximately 2-5 minutes before PANIAGUA arrived.

(At this time I had O'NEILL draw the intersection and his location during the incident)

So when I exited the vehicle, the guy approached me. Maybe he wasn't as close at 3-4 feet. I walked to the left and he kept walking towards me. He was maybe 10 feet away. He kept walking towards me with the knife in his hand and he would swipe at me. I left my vehicle at the scene.

I kept telling him to drop the knife. He was still 5-10 feet away from me. He wasn't coming at me aggressively at that time. I carry an [REDACTED]. I was trying to get my OC spray out, which probably wasn't the right thing to do. He did get more aggressive, but I kept backing up. I was waiting for someone with less lethal. He wanted a confrontation, but he wasn't fully committed to attacking me with the knife.

The shooting happened a good 5-10 minutes after the initial contact. I was backed up to a light pole located on the north east corner of the intersection. At that time PD showed up and they were able to start engaging him with less lethal force. They shot him with bean bag rounds and they had no effect on him. They shot him with Tasers. At that time he ran from the police to Tocayo on the western side. At that time I disengaged from the guy because several police were there and they engaged with the guy. I didn't have less lethal. He ran to the middle of the intersection.

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Witness: Agent Eugene O'NEILL

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I didn't see what happened, but I heard shots fired. I heard maybe 10 gun shots. At that time I was in front of my vehicle. I drive a marked Chevy Tahoe. My vehicle did not take any rounds. By that time there were a ton of BP Agents. I did not see the shooting. I saw him fall down. The officers and (the subject) were about 25 yards away from me. I know the police were giving him commands to, "Drop the knife!" He kept resisting.

I did see them deploy the bean bag rounds on the subject. At that time I was in front of my vehicle. There was one cop to my left and two cops to my right. An officer shot him with the bean bag rounds. I was in the middle of everything so at that time I pulled back. They hit him just beside the driver side door of my vehicle. I believe someone may have tried to Taser him at that point. It did not seem to affect the subject at all. All I could see was a group of police engaging the guy.

As far as I know no one had a prisoner in their vehicle. After the shooting, I maintained my position north of my vehicle. There was still a lot of people there and was trying to keep them out of the scene. I let PD take control of the situation at that point.

For the record, O'NEILL was wearing his full duty uniform and in a marked vehicle during the time of this incident.

The interview ended at 0236 hours.

Reporting Detective Tracey Barr I.D. 5533 Homicide Team: Team I
Approved by: Sgt. Shobloski #5317 (5.30.2018) Date of this report: 05/29/2018 Time: 1522 Hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

OFFICER INTERVIEWED: **RODRIGUEZ, Samuel, ID #6941**
DOB: [REDACTED]
H/M 6'02" & 250 lbs.
Southern Division, 2nd Watch
1120 27th Street, San Diego CA 92154
Phone: [REDACTED]
Weapon Used: Glock 17 9mm

INTERVIEW OF OFFICER RODRIGUEZ:

On May 27, 2018, at approximately 2300 hours, I was informed an officer involved shooting just occurred. I directed other members of Homicide Team V to respond to the scene of the shooting, located at 2300 Tocayo Avenue.

I arrived on scene at approximately 0020 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the middle of the street at 2300 Tocayo Avenue. The armed male with the knife was reportedly acting in a threatening manner. Almost simultaneously San Diego Police Communications received a call from a passing motorist at 2252 hours regarding a man in the street armed with a knife and San Diego Police Officers were dispatched to the scene.

San Diego Police Officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag impact projectiles and multiple Taser deployments were directed at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer Michael MARTINEZ while armed with the knife. RIVERA was shot by Officers Michael MARTINEZ, William CARTER TORRES, and Samuel RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

The briefing concluded at 0149 hours and the scene was turned over to Homicide Team V. Detective Kate ALLISION, Crime Scene Specialist Alyssa CARBONE and Criminalist Adam DUTRA began to identify evidence and process the scene.

At approximately 0545 hours, the shooting officers returned to the scene for the purpose of providing a recorded safety/walk-through statement. Present with the officers at this time was their PEER Support members and Police Officer Association Attorney Nory PASCUA. The safety/walk-through statements were conducted one at a time.

Beginning at 0551 hours, Officer RODRIGUEZ provided us with a voluntary safety/walk-through statement. Officer RODRIGUEZ stated he fired his Glock 17 handgun approximately four to five times from a standard shooting platform with his left leg forward and right leg set back. Officer RODRIGUEZ estimated his general position was near evidence placard #50 and his rounds were fired towards a southwesterly direction. Officer RODRIGUEZ further stated the subject was moving at the time of the shooting in a northwesterly direction.

At approximately 0655 hours, A/Lieutenant SHEBLOSKI and I sat with Officer RODRIGUEZ and his attorney, Nory PASCUA, in the conference room of the Homicide Office. We conducted a recorded interview and I have documented the statement below. The statement is in a word for word, question and answer format. The statement was typed by word processor, Rebecca AGUILAR, and I have reviewed the statement for accuracy. Any minor deviations from the audio recording are inadvertent and do not take away from the meaning or context of the statement.

SS: Stephen SHEBLOSKI, Acting Lieutenant – SDPD Homicide Unit
CL: Christopher LEAHY, Acting Sergeant – SDPD Homicide Unit
MM: Samuel RODRIGUEZ, Officer – SDPD Southern Division, 3rd Watch
NP: Nory PASCUA, POA Attorney

CL: All right. Today's date is May 28th, 2018. The time is 0655 hours. We are located in the Homicide Office at 1401 Broadway which is San Diego Police Headquarters. In the room with me is:

SS: Steve SHEBLOSKI.

CL: And Officer?

SR: Sam RODRIGUEZ

NP: Nory PASCUA, POA Attorney

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CL: Okay. And again my name is Chris LEAHY. San Diego Police Department, Homicide Team 5. And then just to go over the checklist real quick. Last name is RODRIGUEZ.

SR: Yes sir.

CL: First name is Samuel?

SR: Yes.

CL: Do you have a middle name?

SR: No. I do have a suffix of junior at the end.

CL: Okay. And your age?

SR: [REDACTED].

CL: And your date of birth?

SR: [REDACTED].

CL: And how tall are you?

SR: 6'2".

CL: And how do you weigh?

SR: 250.

CL: Color of your hair?

SR: Black.

CL: And your eyes?

SR: Brown.

CL: And what's your police ID?

SR: 6941.

CL: And what's your badge number?

SR: Oh, 4659.

CL: And your date of hire?

SR: I don't know the exact date. It was April 2012.

CL: And what's your current assignment?

SR: Southern Division Patrol, 2nd Watch.

CL: And who's your current supervisor?

SR: Sergeant OCHOA.

CL: And what's OCHOA's first name?

SR: I believe it's Josh.

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CL: Okay.

SR: That's a good question. I just got out of squad.

CL: Okay. Yeah. And how long have you been at Southern Division as a patrol officer?

SR: Five years.

CL: And what was your Unit this evening?

SR: 713U.

CL: So you were a training officer yesterday?

SR: Yes.

CL: And do you know what your vehicle number was?

SR: No I don't. I'm sorry.

CL: Okay. And what are your work hours?

SR: 1400 to 2400.

CL: And what are your current days off?

SR: Wednesday, Thursday, Friday.

CL: And how many hours of sleep do you think you got before your shift today?

SR: I believe nine.

CL: Nine?

SR: Yeah. Pretty good (Laughs).

CL: And are you right or left-handed?

SR: Right-handed.

CL: And your eyesight if you know?

SR: No I don't.

CL: Okay. Do you wear glasses?

SR: [REDACTED]

CL: Contacts?

SR: [REDACTED]

CL: Do you have any illnesses?

SR: [REDACTED]

CL: Okay.

SR: [REDACTED]

CL: And do...

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: Okay.

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: Okay. Have you consumed any alcoholic beverages in the last 24 hours?

SR: No.

CL: And do you have any current injuries?

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: [REDACTED]

SR: [REDACTED]

CL: And you wear a vest?

SR: [REDACTED]

CL: Front and back panel?

SR: [REDACTED]

CL: And your primary weapon is a Glock?

SR: Yes. Glock 17.

CL: Do you know what the serial number is?

SR: I believe it's [REDACTED]. Let me double check.

CL: Yeah sure.

SR: I just want to make sure. Yeah.

CL: Thank you. And it's your personal weapon?

SR: [REDACTED]

CL: And do you have a secondary weapon on you?

SR: [REDACTED]

CL: And do you carry it around in the chamber of the weapon?

SR: [REDACTED]

CL: And how many rounds of ammunition do you carry in each magazine?

SR: [REDACTED]

CL: Have you altered your weapon in any way?

SR: [REDACTED]

CL: Okay.

SR: [REDACTED]

CL: Okay. So you have aftermarket sights?

SR: [REDACTED]

CL: Did you deploy any less lethal force this evening?

SR: Yes.

CL: And what was that?

SR: Taser.

CL: No nunchucks? Pepper spray? Baton? ASP?

SR: Negative.

CL: No bean bag?

SR: Negative.

CL: And then how many Taser deployments did you...?

SR: One.

CL: So Officer RODRIGUEZ. How did you become involved in this evening's event? Were you dispatched or?

SR: No I volunteered for it.

CL: Okay.

SR: The call.

CL: Can you tell us how you, how you came to learn about this incident?

SR: We were driving southbound coming back from jail. We were going to go to the 10-17. We were southbound 5, approximately I want to say maybe Palomar or Main Street area when we heard the call "415 Weapon". As we continued to drive we heard I believe it was Acting Sergeant ADAMS air over the radio that a BP agent had someone at gunpoint and he asked for the Canine to roll Code 3. At that point that's what I told my trainee that we were going to this call and I activated my overhead lights. There was no, there was no cars. Kept them on. When cars that I encountered, vehicles, and then I'd turn on my wail, my siren and continued to the call.

CL: And were you driving?

SR: I was driving because we had a D.V. at around eight o'clock. I said, "We're getting out of here on time today. So, yeah. You ride, I drive."

CL: Okay.

SR: So I was driving.

CL: So you volunteered to respond to the call and as you were responding to the call, you said you heard Acting Sergeant ADAMS advise that he was on scene?

SR: Yeah. We weren't on the call yet when that happened. Once he, he stated, you know, he had broadcast it over the air that he was 97 and that a Border Patrol had one at gunpoint. And then he asked for Canine to roll Code 3. And then I told my trainee we were going to this. I activated my lights and my trainee was waiting to get on the, on the, on the air. On the radio. I told him, "No. Press the hot route button en-route button. And then he did that and we just continued on.

CL: Okay. And then about how many minutes did it take you to get to the call from roughly the area of Palomar and Main Street.

SR: No. By that time it was probably like Palm area.

CL: Okay.

SR: Palm and 5, when he broadcasted that.

CL: And how long did it take you guys to get at the scene?

SR: Maybe like a minute.

CL: And when you arrived on scene how did you guys do your approach?

SR: I saw...when we were getting to the scene, I could see a lot of police vehicles, overhead lights activated. So I positioned, I turned my vehicle sideways to block off the two westbound lanes, in case any other vehicles came in our area. Because I know sometimes, you know, pedestrians, when people...civilians will drive around our vehicles. So I wanted to make sure they knew that this was blocked off. So I turned my vehicle. Then we exited the vehicle and we started approaching the scene.

CL: And where did you guys stop the car at?

SR: I want to say maybe like a hundred yards east of the intersection.

CL: Okay. On Tocayo?

SR: Yeah on Tocayo.

CL: Okay.

SR: West, the westbound lanes we, I blocked off lanes number one and two.

CL: Okay. And as you exited your patrol car were you and your trainee engaged in any conversation or?

SR: No. He got out of the right side and started going...cause he was obviously closer and I had to go back around and we started walking towards it.

CL: And what did you see or hear as you were making your approach?

SR: As I was approaching I heard what I thought were gunshots at the time. But then I saw that they were actually bean bag rounds cause I see the white flying in the air. The white casings flying.

CL: Okay. And if you could just tell me what you were seeing and hearing as this was unfolding?

SR: As I was approaching, I could see a male running around and several officers were around him. As he began to run westbound, and myself and my partner, my trainee, began to...we were about to walk eastbound back to our vehicle to kind of catch up to them. But then we decided not to continue to press forward. As we got into the intersection I could, I heard several other shots fired. I can't tell you how many. But they were bean bag rounds. Then as I approached and I got into the intersection, the male started running towards me, in my direction. And what I perceived as, he made kind of a like a slight left turn towards me, I took out my Taser. At the time I thought he was approaching me and I felt like my life was in immediate danger. I even considered dropping my Taser and taking out my gun and shooting him. But I deployed my Taser. It was ineffective. He just through it off.

CL: You say he through it off but then you indicated that you kind of pulled your hands from your chest and opened them out above your head.

SR: Yeah.

CL: Were you trying to say that he removed the Taser bars?

SR: He used his hands to kind of push away the wires.

CL: Okay.

SR: He had, he had a knife in his right hand and he was holding it very tightly.

CL: Can you describe this, this individual to me?

SR: Yeah. He was a Hispanic male, approximately late 30's, early 40's. Maybe 5'10". Between 210 pounds and 240 pounds. He was wearing a gray shirt and blue jeans I believe.

CL: Did the shirt say anything on it?

SR: I believe it had something to do with the Army. I don't remember if it was the letters or just that big block "A" that they use on it.

CL: And then can you describe the knife that was in his hand?

SR: Uh I just saw a silver metallic knife coming out of his hand. I couldn't see the handle. It's probably maybe four inches long, about an inch and a half wide to two inches.

CL: And do you know which hand he used holding it?

SR: Yes the right hand.

CL: Now when you exited your car and you said you were hearing and seeing some bean bags being deployed on him, had you...at what point did you decide to transition to arming yourself with a Taser?

SR: When I started walking towards him and he double...he basically, he was in the northwest corner of the intersection, a little bit west of the west curb line up on Hollister. From there he started running towards me in my direction, cause I'm kind of in that northwest portion of the intersection.

CL: Um hmm.

SR: At that point he made, he even turned his head kind of towards me real quickly. And I had my Taser out when I saw him turning my way already. That's when I literally thought he was going to come at me and that I was in immediate danger and he might harm me. So I really considered taking out my...dropping, just dropping my Taser and withdrawing my firearm and just firing a shot at him. And then um, but I used my Taser and deployed it. It was ineffective. He used his hands to kind of swat away the wires.

CL: Okay. And then what happened?

SR: From there my trainee deployed his Taser almost simultaneously with mine. I don't have an extra cartridge cause recently one of my doors fell off.

CL: Um hmm.

SR: He then and went back on, put another one back on his Taser. I even asked him about it, if he had another one.

CL: If he had another cartridge?

SR: Yeah. Another cartridge. And then the suspect continued south, southbound towards the southwest portion of the intersection.

CL: So is he now moving away from you?

SR: Yeah. Moving away from us. He's just standing there facing all the officers. And he has his hands kind of like mid abdomen, both hands balled up with the knife...holding the knife very tightly and just kind of taking an aggressive stance towards us.

CL: Now where is your trainee in relation to where you are when you deployed Taser? Was he to your right or to...?

SR: To my left.

CL: He was to your left?

SR: Yes.

CL: When the person was holding the knife, was he saying anything at any point during this interaction?

SR: I never heard him say a word. What I did hear from him is making like grunting noises and just aggressive sounds coming out of him. Couldn't make him out. There was a lot of noise going on. But I hear him go "Waaa" and making noises like that.

CL: Did you ever give him verbal instructions?

SR: At that point I didn't. Or not that I remember.

CL: At any point?

SR: Cause there was plenty of other people just telling him, "Drop the knife! Drop the knife!"

CL: And you heard that?

SR: Yes.

CL: Okay. So now we're at the stage where you said he had his fist balled out. He had just kind of run away from you?

SR: Yeah.

CL: And now he's planted himself?

SR: Yeah.

CL: What happens next?

SR: I believe I heard another shot, a bean bag round ineffective. From all the rounds and when he was tasted nothing effective him. He was not slowing down. He was not...not only was he not complying, he just wasn't reacting to anything that we were telling him. He wasn't being receptive.

CL: And then what happened?

SR: And then he stood there several seconds in an aggressive stance. Then he continued. He began to run eastbound, towards the southeast corner of the intersection. At that point somebody aired (*on the radio*) to block off traffic. I saw other vehicles...oh no. I'm sorry. That was prior. When he was just standing there in that, in that portion where I told he just stood there, there were other oncoming vehicles, coming, going northbound from Hollister, coming from Sunset Avenue. I began to flash my light at them kind of to, to stop because they would be in the crossfire if they came towards our direction.

CL: And were these civilians that you were alerting?

SR: Yes. I could just see headlights.

CL: Okay. So you were alerting the civilians?

SR: Yeah. I was just kind of moving my flashlights toward them and from there they turned and I didn't see them come towards any longer, any more. He continued...then the suspect continued eastbound. Officer CASTELLANOS...I heard him. I don't remember the exact words, but I heard some, "Somebody get lethal." When I walked up to him I could see that his he had Taser in his hand.

CL: When you walked up to Officer?

SR: CASTELLANOS.

CL: Okay.

SR: And he ended up being on my left hand side.

CL: Okay.

SR: From there....

CL: And he asked for?

SR: A lethal.

CL: Lethal cover?

SR: Yes. Lethal, lethal cover. So I went over to cover him and I said "I got you. I got you."

CL: So you were his lethal cover?

SR: Yes. I was his lethal. From there, the suspect...there's another BP agent just east of him, in the intersection kind of mid-intersection, between the south, the south curb line and the north curb line on I believe 2200 Tocayo. The suspect the whole time he looks back towards us. Towards the west of the intersections at all the officers, and there's plenty of other officers. And then he begins to take like, take large strides towards us, well in the west direction. And then he does like hesitation moves. He has the knife in his right hand which is closest to us. And we're kind of lined up. It's myself and then uh my trainee, Officer CARTER.

CL: To your?

SR: Right. To my right.

CL: Okay.

SR: And then Officer MARTINEZ. He begins to move very quickly towards us. Then he takes like a hesitation move, kind of towards the officers. Kind of like a, that he's going to, just make a movement towards them. He does it once and then he does it...

CL: And you were just kind of indicating like throwing your shoulders forward almost like a jerk or a juke?

SR: Yeah.

SR: And he had his, his hands real tight, holding, still holding onto the knife real tight, both hands balled up. Kind of like, just kind, kinda like when somebody flexes.

CL: Yeah.

SR: Walking towards, walking very quickly. He kind of holds like a running pace towards the officer. And then he took another stride and I thought he, he was going towards Officer MARTINEZ. I thought his life was in immediate danger and he could be harmed. And that's when I decided to fire my weapon.

CL: And how many rounds did you fire?

SR: Approximately four.

CL: And you fired your rounds because you believed that the subject was going to hurt or harm Officer MARTINEZ?

SR: Yes. I believed that his life was in immediate danger.

CL: And if you had to estimate how many feet away from the subject were you when you fired your weapon?

SR: I would say like maybe ten or, like ten or fifteen.

CL: After you fired your weapon can you tell me what happened?

SR: After I fired my weapon, the suspect went down and he was on his back. He still had his hands, his hand holding on tightly to the knife. I could see it. And it wasn't even...the knife, his hand wasn't on the ground. It was up. Just slightly up. Maybe like four or five inches off the floor.

CL: And the subject was lying on?

SR: On his back.

CL: On his back?

SR: His back. His feet were facing towards us I believe. Well towards me. And then he was just holding it tight. They were telling him to "Drop the knife! Drop the knife!" I heard I believe it was Officer MARTINEZ. I heard him say, "Drop the knife. We need to give you medical care." And a couple of seconds passed. He started moving around and then he dropped the knife.

CL: Um hmm.

SR: We approached him. I told Officer VERDUZCO. I holstered my weapon. I told Officer VERDUZCO that I would be part of the arrest team as we approached. We walked up to him, turned him over and then Officer VERDUZCO I believe, Officer MENDOZA put handcuffs on him.

CL: And you assisted with the arrest?

SR: Yeah. I just turned him over.

CL: Okay.

SR: And...

CL: Go ahead.

SR: I'm sorry. At that point we flipped him back over to his stomach. I took out my knife and I started cutting open his shirt to see if there was any injuries where just blood was gushing out, where we needed to provide immediate care. I didn't see anything. I did see blood but nothing was gushing out.

CL: And where was this on his? What part of the body was?

SR: Stomach, abdomen. I just ripped open his shirt. I could see that there was a wound on his right leg and somewhere on his abdomen. I don't recall where.

CL: Okay.

SR: And then from there we were just monitoring his breathing. Making sure he was okay. He was breathing. He was kind of twitching around. Then we put him in the recovery position. From there I told Officer CASTELLANOS that, I asked him, "Is he still breathing?" He said...I believe it was him or maybe Officer VERDUZCO. They said, "Yes." I said, "If he stops breathing, I'll go on compressions, you know, to get any air." And then we just monitored him until Fire went 97.

CL: Okay.

SS: Just a couple of questions.

SR: Yes sir.

SS: When you were with the Taser and you were observing all this stuff, did you end up giving him any commands or try to communicate with him?

SR: No. I don't believe so.

SS: And when you arrived on scene, you tried using the Taser. You saw, I'm trying to summarize a little bit.

SR: Yes.

SS: And this will lead to my question.

SR: Yes.

SS: Tried using the Taser. You saw a bean bag being used?

SS: Yes.

SS: These less lethal means of force that you or other officers are trying to use, did they appear to be ineffective?

SR: Yes.

SS: So when you used, when you ended up shooting the suspect, did you feel at that point that was the only option left based upon the lesser means of force you've seen being used?

SR: Yes sir.

SS: And you did that to protect Officer MARTINEZ' life?

SR: Yes sir.

SS: That's all I have.

SR: So from, when I deployed my Taser.

SS: Um hmm.

SR: After that I just. I was like, "Oh my God. This is not going to be good." Because nothing's working on this guy. And he's running, he's being very aggressive. Someone's life's in danger or even a civilian. I didn't see any at the time.

SS: Sure.

SR: There probably was but I didn't see them. But just, and especially when he ran eastbound. I was, "Oh my God. We're going to be chasing this guy all over the city." And especially even when I (unintelligible) and I saw the bean bag being deployed by other officers, and the proximity that they were, I was surprised that he hadn't been shot already.

SS: And did you hear the initial radio call?

SR: Yes.

SS: And what was the, what was the initial radio call?

SR: Just a 415 weapon knife.

SS: And so was that a citizen calling in?

SR: I don't know who called it.

SS: Okay.

SR: I don't know who called.

SS: But somebody called in to say...?

SR: Yeah. Somebody called in.

SS: And what was basically said in...?

SR: Just some guy walking around the street with a knife.

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SS: Was he threatening people with a knife?
SR: I don't recall.

SS: Okay. That's all I have.
CL: Okay. Thank you Officer RODRIGUEZ.
SR: Thank you.

CL: Nory? Do you have anything?
NP: No. Thank you.

CL: Okay.
SR: Thank you.

CL: And then we will conclude the interview at 7:18.

Reporting Detective Christopher LEAHY I.D. 5869 Homicide Team: 5
Approved by: LT. M. DOBBS Date of this report: 06-06-2018 Time: 1350 Hrs.

OFFICER INVOLVED INCIDENT CHECKLIST

LAST NAME: RODRIGUEZ FIRST: Samuel MIDDLE: Junior

Age D.O.B. Height 6'02"

Weight 250 Hair Black Eyes Brown

Police ID # 6941 Badge # 4659

Date of Hire April 2012

Assignment Southern Patrol / F.T.O.

Supervisor Sergeant OCHOA

Length of Assignment 5 years

Unit # 713U2 Equipment # 7460

Work Hours 1400-2400 Days Off WTF

Hours of Sleep Prior to Shift 9

Right/Left Handed Right

Eye Sight Unknown

Glasses? Contacts

Glasses or Contacts Worn?

Illnesses

Medications?

Time Type/Amount

Have you drunk any alcoholic beverages in the last 24

Hours? If so, Type

No Quantity None

INJURIES/COMMENTS:

Protective Vest

Worn?

Front Panel?

Back Panel?

Primary Weapon

Make Glcok Caliber 9mm

Serial # Model # 17

Department Personal

Secondary Weapon

Make Caliber

Serial # Model #

Department ☐ Personal ☐

If weapon is an automatic, was it carried with a round in the chamber?

Primary Weapon

Secondary Weapon

Carbine

Number of rounds carried in magazine or cylinder?

Primary Weapon

Secondary Weapon

Carbine

Extra magazines or speed loaders?

 Quantity

Have you altered your weapon?

If so, how? Aftermarket sights

Less Than Lethal Force Used? Yes ☒ No ☐

OCN (Pepper Spray) ☐ Baton ☐ ASP ☐

Nunchukas ☐ Taser ☒ Beanbag ☐

Other ☐

Sergeant

Date:

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

VEHICLE PROCESSING: Border Patrol Vehicle #M94257, CA license #209299

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife in the street 2300 Tocayo Avenue acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene. San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers with the knife. San Diego Police officers deployed bean bag shotgun impact projectiles and taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by gunfire and dropped to the ground. Officers began examining RIVERA to render first aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing I was assigned to conduct the scene investigation.

During the scene investigation, I located a Border Patrol SUV vehicle (#M94257) which had an impact mark from a bullet in the front windshield. At the conclusion of the scene investigation, I directed Officer M. RODRIGUEZ #7672 to have the vehicle impounded as evidence. Officer RODRIGUEZ impounded the vehicle and followed the tow truck to Northwestern Division where he had the vehicle stored.

On June 1, 2018, at approximately 0600 hours, I arrived at the Northwestern Substation Evidence Garage and met with Crime Scene Specialist CARBONE and Criminalist DUTRA to process the vehicle.

The vehicle is registered to Border Patrol. On May 30, 2018, Frank CRUZ, Director Of Logistics, for San Diego Sector Border Patrol gave me permission to search/examine the vehicle.

Crime Scene Specialist CARBONE took over all photographs of the vehicle, both interior and exterior.

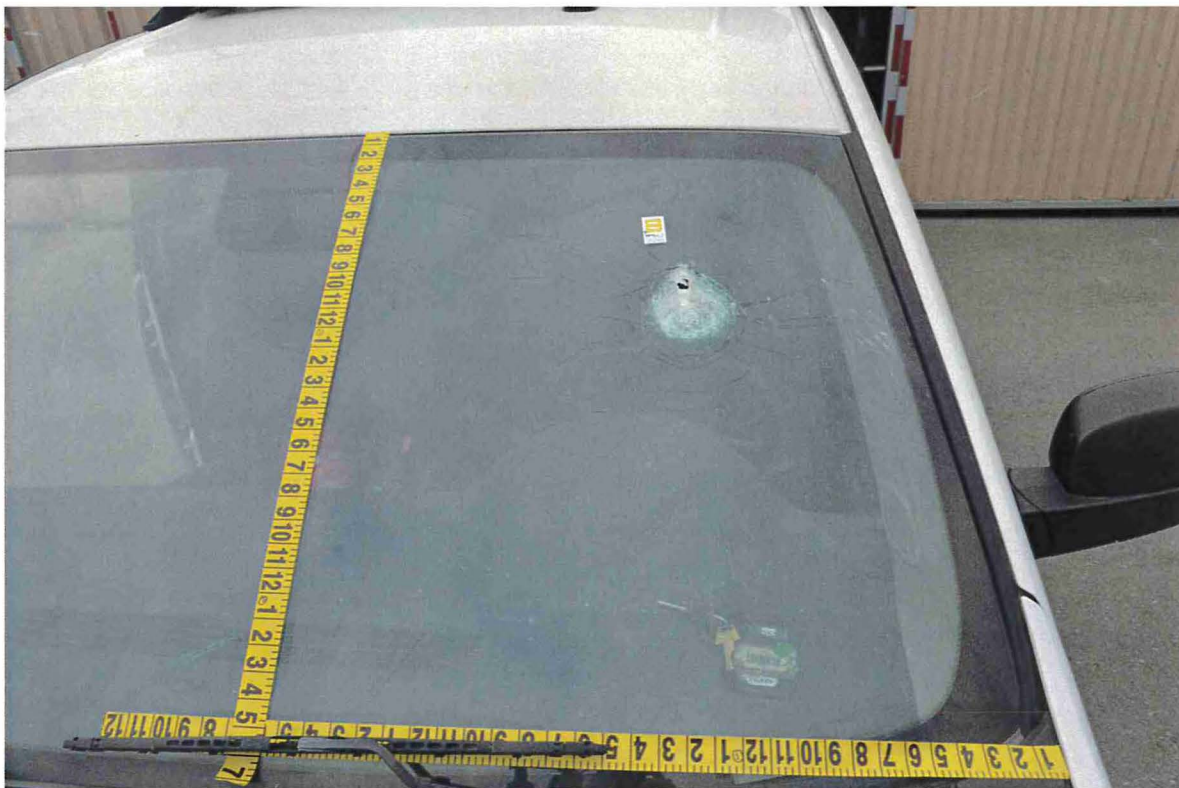
EXTERIOR:

The vehicle is Chevrolet Tahoe, marked Border Patrol Vehicle. It was white in color with a green vertical stripe on the rear passenger doors. There was a license plate, 209299, affixed to front bumper and to the rear gate of the vehicle. The vehicle number, M94257, was in green on the front quarter panels over both front tires. The words "Border Patrol" were in green over the rear tires on the rear quarter panels. On each of the front doors were the words, "US Customs and Border Protection" with a US Customs and Border Protection seal. The words, "Border Patrol" were on the rear gate of the vehicle. On the upper right side of the rear gate of the vehicle were the letters, "IMB". On the upper left side of the rear gate was the vehicle number, "M94257". There was a tow hitch on the vehicle. The paint on the vehicle was cracked and fading in places. There was a thin overhead light bar on the vehicle. All of the windows to the vehicle were closed. The front windows had a light tint on the windows. The rear passenger windows, cargo area windows and rear window had a darker tint on them.

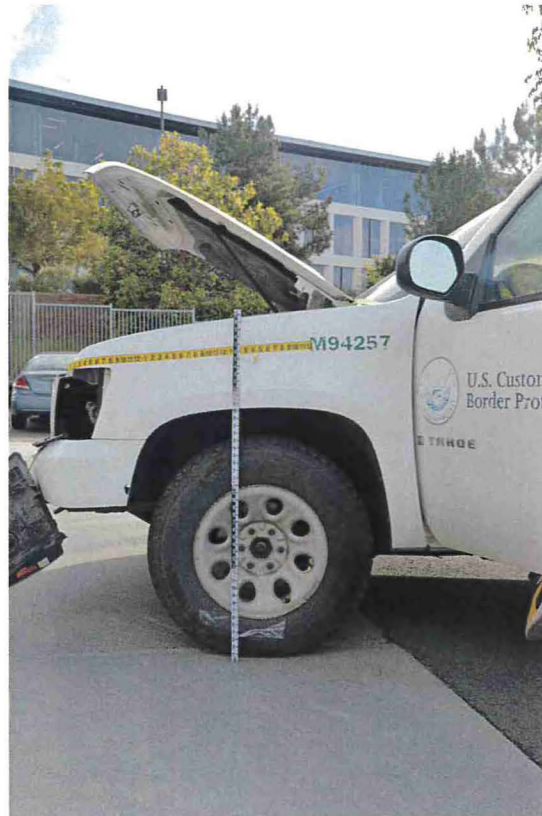
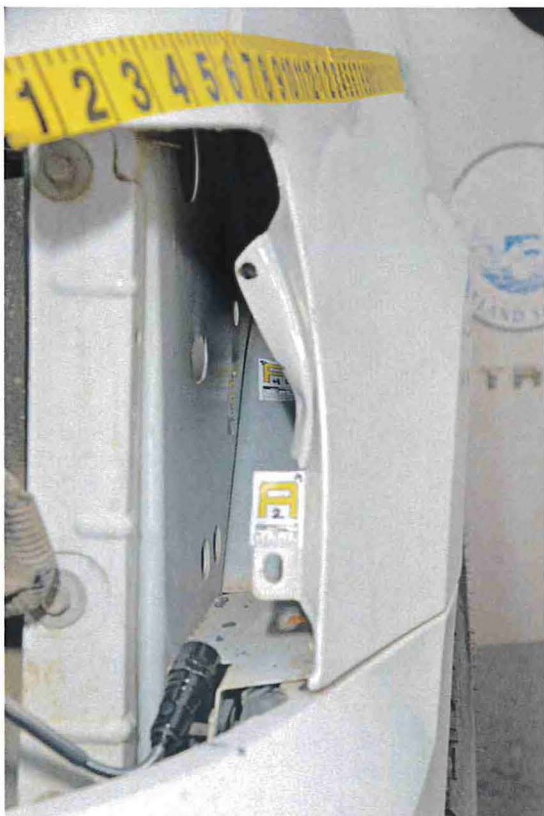
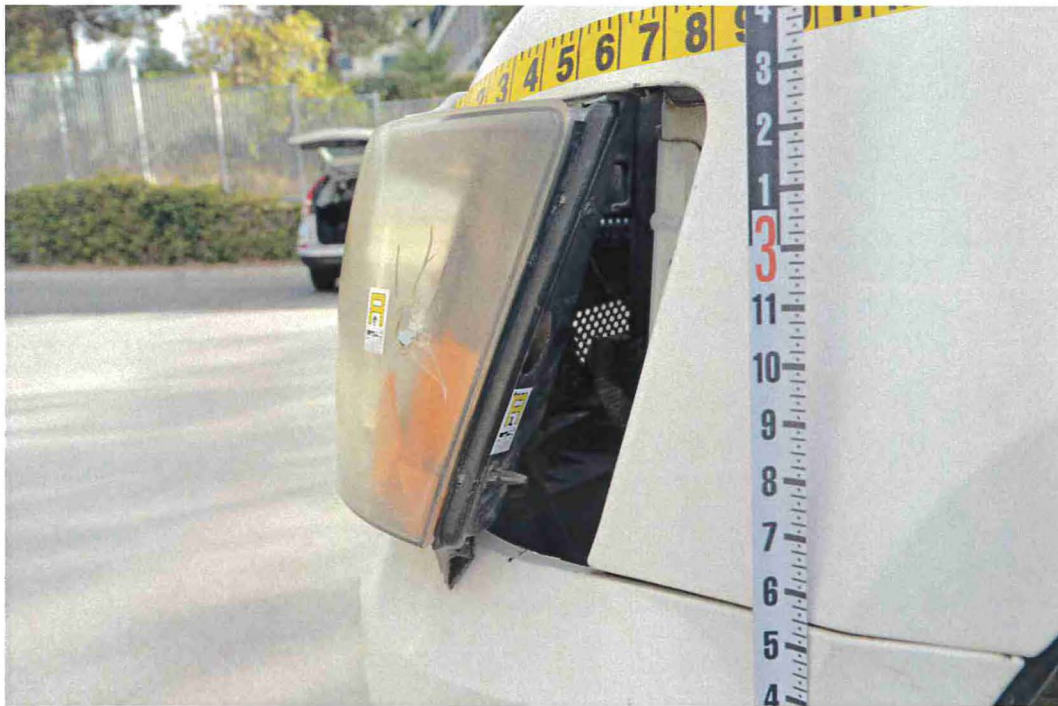
There was an apparent bullet defect (approximately the size of a quarter) in the driver's side headlight towards the outer portion of the headlight. Crime Scene Specialist CARBONE labeled this defect, "A".



There was a second apparent bullet defect in the front windshield of the vehicle on the driver's side near the top of the windshield. The hole in the windshield was approximately the size of a dime and the impact/shattered area around it was approximately the size of a baseball. There were cracks radiating from the impact mark in all directions. Crime Scene Specialist CARBONE labeled this defect, "B".



Crime Scene Specialist CARBONE, Criminalist DUTRA and I removed the driver's side headlight from the vehicle. We located a misshapen circle defect on the back side of the headlight. Crime Scene Specialist CARBONE labeled this defect, "A1". Inside the front quarter panel behind the headlight we located a single bullet and four additional strike marks. Crime Scene Specialist CARBONE marked the bullet with label number 56. She then photographed and collected the bullet. Crime Scene Specialist CARBONE labeled the first three strike marks, "A2, A3 and A4." The fourth strike mark we were unable to reach inside to label. However on the outside of the front quarter panel where the fourth strike mark was the metal was dented outward and the paint was chipped. Crime Scene Specialist CARBONE labeled the outside of the front quarter panel, "A5" where the strike mark was.



Crime Scene Specialist CARBONE photographed each of the defects and strike marks.
(See above photos.)

INTERIOR:

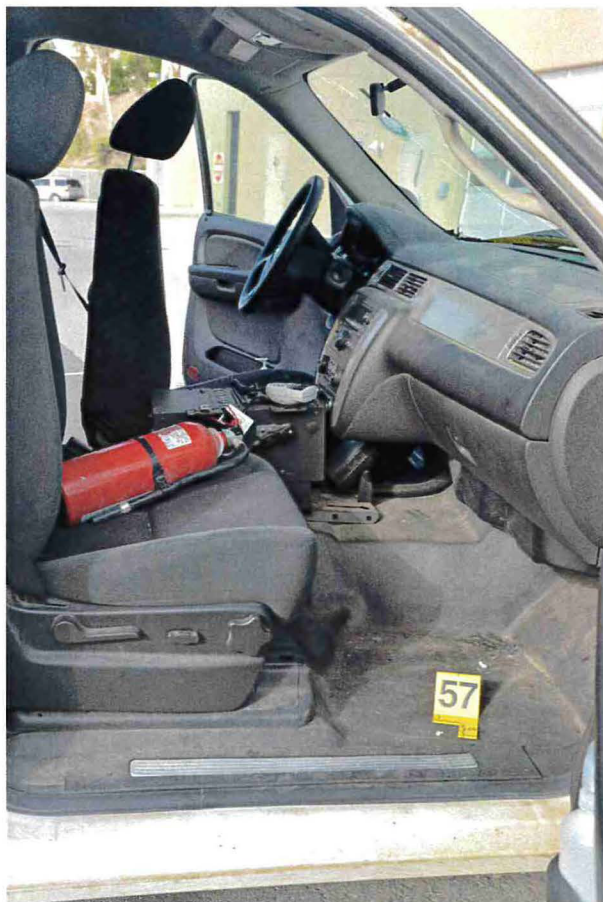
The interior of the vehicle was in good condition. The interior was a dark gray cloth. The odometer reading was 68,679 miles. The gas gage registered full. The vehicle doors and windows were automatic. There was broken glass on both front seats, the center console/ radio area and the front seat floorboards. There were no floor mats in the vehicle. The two front seats of the vehicle were separated from the rear bench seat of the vehicle by a cage in the upper portion and plastic molding below it. There was plexiglass covering the portion of the cage behind the driver's seat.

On the portion of the cage facing the front seats of the vehicle I located a strike mark towards the middle, lower section of the cage. Crime Scene Specialist labeled this strike mark, "B2".

Crime Scene Specialist CARBONE took photographs of the strike mark inside the vehicle.



Inside the vehicle on the front passenger side floor board I located a metal fragment. Crime Scene Specialist CARBONE marked the metal fragment with placard number 57. She took photographs of the metal fragment and collected it.



Criminalist DUTRA placed a trajectory rod through the defect in the front windshield to the strike mark on the cage. See his report for further details. Crime Scene Specialist CABONE took photographs of the trajectory rod when it was in place.

At approximately 0830 hours, a tow truck arrived to transport the vehicle to Traffic Division. We left Northwestern Division at approximately 0900 hours. I followed the tow truck to Eastern Division.


At approximately 0940 hours, I released the vehicle to Border Patrol Agent/Vehicle Control Officer, Ricardo DE ANDA and Border Patrol mechanic Mark DICKEY.

I left Traffic Division at approximately 0945 hours.

Reporting Detective Allison I.D. 5806 Homicide Team: V
Approved by: A/Sgt. [Redacted] 5268 Date of this report: 06/12/18 Time: 0930 hours

San Diego Regional Vehicle Report

Press Firmly
EVENT 18050043895

Reporting Department SDPD		Beat Number 722		Date / Time of Report 05/28/18 0815		Notice of Stored Vehicle Delivered Personally <input type="checkbox"/>		Case Number	
Location Towed / Recovered from HOLLISTER ST / TOCAYO AVE				Odometer Reading N/A		VIN Clear in SVS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No LIC Clear in SVS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Date / Time Dispatch Notified 05/28/18 0900	
License Number 209299		State US GOV		Plate Type GOV		Exp. (Mo / Year) 06/2017		Vehicle Identification Number 1GNFK13059R204489	
Year 2009		Make CHEVY		Model TAHOE		Body Type 40		Color Combination WHITE / GRN	
						Appraised Value <input type="checkbox"/> 0-300 <input type="checkbox"/> 301-4000 <input checked="" type="checkbox"/> 4000+		Owner Valuation \$ N/A	
Condition		Yes No		Items		Yes No		Items	
Wrecked		<input checked="" type="checkbox"/>		Seat (Front)		<input checked="" type="checkbox"/>		Driving Lights	
Burned		<input checked="" type="checkbox"/>		Seat (Rear)		<input checked="" type="checkbox"/>		Registration	
Vandalized		<input checked="" type="checkbox"/>		Radio		<input checked="" type="checkbox"/>		Alt / Generator	
Eng / Trans Strip		<input checked="" type="checkbox"/>		Tape Deck		<input checked="" type="checkbox"/>		Battery	
Misc. Parts Strip		<input checked="" type="checkbox"/>		Tapes (#)		<input checked="" type="checkbox"/>		Differential	
Body Metal Strip		<input checked="" type="checkbox"/>		Other Stereo		<input checked="" type="checkbox"/>		Transmission	
Doors Locked		<input checked="" type="checkbox"/>		Car Phone		<input checked="" type="checkbox"/>		Automatic	
Ignition Locked		<input checked="" type="checkbox"/>		Ignition Key		<input checked="" type="checkbox"/>		Tampered Ignition	
Location Stolen from				Vehicle Damage					
									
Identifying Marks, Damage, Interior (Describe Color(s). If Customized, Etc.) Continue in Narrative As Necessary CRACKED FRONT WINDSHIELD PAINT CHIPPING ON REAR PSCK DOOR								Insurance Carrier N/A	
CURRENT / REGISTERED OWNER					LEGAL OWNER				
Name (Last, First, Middle) US GOV (BORDER PATROL)					Name (Last, First, Middle) US GOV (BORDER PATROL)				
Street Address					Street Address				
Apt / Suite #					Apt / Suite #				
City					City				
State					State				
Zip					Zip				
Phone					Phone				
Day ()					Day ()				
Night ()					Night ()				
<input type="checkbox"/> STORED <input checked="" type="checkbox"/> IMPOUNDED <input type="checkbox"/> RELEASED <input type="checkbox"/> RECOVERED - VEHICLE / COMPONENT									
Towing Storage Concern (Name, Address, Phone) ASAP TOWING					Towed To / Stored At: 12592 EL CAMINO REAL SD, CA 92106				
Storage Authority and Reason 22655.5(b) CVC - EVIDENCE HOLD					Drivable <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Unk VIN Appears Altered / Removed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No VIN Switched <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No VIN Matches Registration Card <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Release Vehicle <input type="checkbox"/> R / O Agent <input type="checkbox"/> Agency Hold					Garage Principal / Agent Storing Vehicle (Signature) [Redacted Signature]				
To:					Date 5-28				
Name of Person Authorizing Release (Print) X					Time 9:20AM				
Signature of Person Authorizing Release					Signature of Person Taking Possession				
<input type="checkbox"/> STOLEN VEHICLE / COMPONENT <input type="checkbox"/> EMBEZZLED VEHICLE <input type="checkbox"/> PLATE(S) REPORT									
Date and Time of Occurrence			Name of Reporting Party			Driver's License			State
Home Address			Telephone			Business Address			Telephone
Last Driver of Vehicle			Date			Time			Address
I Certify or Declare Under the Laws of the State of California That the Foregoing is True and Correct.					Signature of Person Making Stolen Report X				
					Date				
					Time				
Reporting Officer M. RODRIGUEZ		I.D. # 7672		Division SI		Approved By JGT		I.D. # 6671	
Required Notices sent to Registered and Legal Owners Per 22852 CVC		<input type="checkbox"/> Yes <input type="checkbox"/> No		Date Notified		Validation Notice Sent		<input type="checkbox"/> Yes <input type="checkbox"/> No	
								Date Notified	



**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)
TIME (occurrence): 2252 Hours
LOCATION: 2300 Tocayo Avenue, San Diego, CA
SUBJECT:

OIS/Special Investigation - SDPD Case #18-602576

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED:

Border Patrol Agent **Francisco GARCIA Jr**

ID# I165

1802 Saturn Boulevard

San Diego, CA 92154
[REDACTED]
[REDACTED]

On May 28, 2018, at approximately 0003 hours, Sergeant Steve SHEBLOSKI #5317 informed Homicide Team I that an officer involved shooting had just occurred. According to Sgt. SHEBLOSKI, there were multiple law enforcement and civilian witnesses at the scene and Team V needed assistance. I was directed to respond to the scene, located at 2300 Tocayo Avenue, to assist Homicide Team V with witness statements. I arrived on scene at approximately 0100 hours.

At 0122 hours, A/Sergeant T. BRYAN gave the briefing of the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

Investigator's Report

Witness: Agent Francisco Garcia Jr

Case #18-001350/ 18-001351

Page 2

During the briefing I learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The briefing ended at 0149 hours.

At 0200 hours, I cleared the scene along with the rest of Homicide Team 1 and responded to 1802 Saturn Boulevard to conduct interviews with the Border Patrol Agents. I arrived at the Border Patrol Station at approximately 0205 hours.

Each Agent we spoke to had a representative present during their interview with us, with the exclusion of Supervising Agent PINOT, Agent's LUNA, PAIR, PORTER and ROLLINS who did not have a representative. The representative present during these interviews was Agent Christopher ROLLINS.

Detective J. ZALDIVAR #5516 and I interviewed the following Border Patrol Agents who were present on scene during the shooting:

- Eugene O'Neill
- David Paniagua
- Francisco Garcia Jr
- Alex Parafox
- Leslie Pinot (Supervisor)
- Julian Hernandez
- Jacob Felix
- Leo Shook
- Francisco Martinez

Detective's M. WEAVER #6153 and A. TAYLOR #6399 interviewed the following Border Patrol Agents who were also present during the shooting in a separate conference room:

- Hector Luna
- Scott Pair
- Brandon Porter
- Christopher Rollins (Dispatcher)

Each interview was audio recorded for accuracy. On May 28, 2018 at 0304 hours, Detective ZALDIVAR and I interviewed Agent Francisco GARCIA Jr. Also present during this interview was Agent ROLLINS (representative).

STATEMENT OF BORDER PATROL AGENT FRANCISCO GRACIA JR:

My truck is in the intersection. I was heading southbound on Hollister and Gino was heading northbound. He was heading into the station and I was leaving. I was in my POV. The Ford Ranger is my vehicle. My vehicle is pointing south on Hollister. I was not aware of the call. The first thing I saw when I was at the intersection is I saw Gino with the subject with the knife. I saw the knife in his hand. Gino's back was towards me. I exited my vehicle. I wanted to give assistance to Gino but he was already "drawing down."

Gino is Eugene O'NEILL. Gino was already giving commands to drop the knife. The guy kept saying, "No, just shoot me. I am not dropping the knife." I was out of my uniform and did not have my weapon. I tried to flank him by going around my truck. I was trying to get behind him, but he wouldn't let me. He kept backing up. In my mind I was going to try and tackle him. He kept trying to dupe Gino. It looked like the guy wanted suicide by cop. It was very obvious from the get go. Gino played it cool and kept telling the guy to, "Drop the knife! Drop the knife!" I think at one point Gino told him no one was going to shoot him. The guy kept probing and coaxing Gino to shoot him, but he never did and then everyone started to show up.

I remember someone yelling that SDPD was already called and they were on their way. I remember Paniagua trying to talk the subject down. He said, 'I see you are wearing an Army shirt. Are you prior military?' The guy kept getting agitated. By this time SDPD showed up. I was near the rear of my vehicle because I didn't want to be flagged by any weapons. I was facing south and an SDPD officer came from my north and said, "I have non-lethal". I yelled, "Non-lethal" and the officer put bean bag rounds down range. It appeared the subject was hit several times. He took off running westbound. It didn't appear the bean bags phased him all that much. He then started running back eastbound on the same street and there was an attempt taser. It appeared to be that he tore the probes off or the probes did not attach. SDPD deployed the taser. He appeared to just walk right through the taser. They ran out of bean bag ammo. I think some of the SDPD were trying to get more ammo or reload. I think a second taser was deployed. The subject just walked right through that. He came back to the middle of intersection where he was originally in front of the Ranger and next to Gino's vehicle. I think there were three SDPD officers directly in front of him and several flanking. He kept doing the same thing. He kept "deking" towards the officers.

At this point, the SDPD officers were in front of the subject and I was behind them. I was looking at the SDPD Officer's backs. They were facing southwest direction. They kept yelling commands, "Put down the knife." His response was always the same, "No, I am not going to put down the knife. Shoot me." At that point the guy was becoming more aggressive. At some point, I did not see it but shots were fired. It's hard to say how many because it was multiple shots from different officers.

After the gunshots the guy was on the ground and the officers were still yelling at him to let go of the knife. Even in that state he would not let go of the knife. They had to go and kick it out of his hand. I was behind my truck when the gunshots occurred. They called for paramedics.

The subject was heavy set, 5'10", appeared to be brown skin, wearing an "Army" shirt, a hat, jeans and white tennis shoes. The knife was about a 4" blade. It looked like a folding knife. He was holding it in his right hand.

My duty weapon is the .40 cal standard issue, but I did not have it with me. I was dressed down to my black t-shirt and uniform pants. I was second on scene. It was Gino out of his vehicle. I was at the stoplight and Palafox was behind me. Palafox was in his POV. Someone had waved Gino down about the knife yielding subject. I didn't have my radio so I didn't really know what was going on. It wasn't until I saw Gino's car in the middle of the intersection it registered what was going on. I wasn't going to leave him.

No one was helping this guy out. It seemed from my peripheral vision there were spectators.

The interview ended at 0318 hours.

Reporting Detective Tracey Barr I.D. 5533 Homicide Team: Team I
Approved by: Sgt. Shobloski #5317 (5-31-2018) Date of this report: 05/30/2018 Time: 1250 Hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

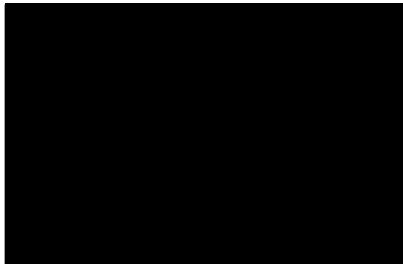
DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue.

I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the street (2300 Tocayo Avenue) acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife patrol officers were dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

Page 2

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at approximately 0235 hours, Detective BUROW and I went to [REDACTED] to speak with [REDACTED]. [REDACTED] was identified as a possible witness during the patrol briefing and had possible cellphone video of the incident.

[REDACTED] essentially told me the following based on the questions asked of him;

I heard sirens and then a second set of sirens. I looked out the window and I saw ABLE. I heard a pop, it wasn't like a gunshot it was a little bit lighter maybe. I know now that a bean bag was deployed and Taser, so it might have been on or the other.

(What do you mean you know?) I just heard that. So I heard a pop, and it wasn't as loud as a gunshot. I saw ABLE outside and knew something was going on. I went out into my backyard, it was about 20 seconds prior to the shooting. I saw two cops car go by but when I got outside I saw the intersection was full of Border Patrol and S.D.P.D.

(What room were you in initially when you heard the sirens?) The master bedroom in the back. I heard two different sets of sirens and it got my attention. My view was towards Tocayo Street. I went into the backyard and walked up against the fence. I looked over and saw a man in the intersection, kind of squirming around, like he was unsure of what direction to go. He was on his feet with his hands out *(demonstrating hands at his waist level and out.)* I could not see if there was anything in his hands. He was squirming around like in a circle. I could hear the cops telling him, "Get down on the ground, get down on the ground." That is when I heard about 20 gunshots.

(Did you ever hear anything about a weapon?) No.

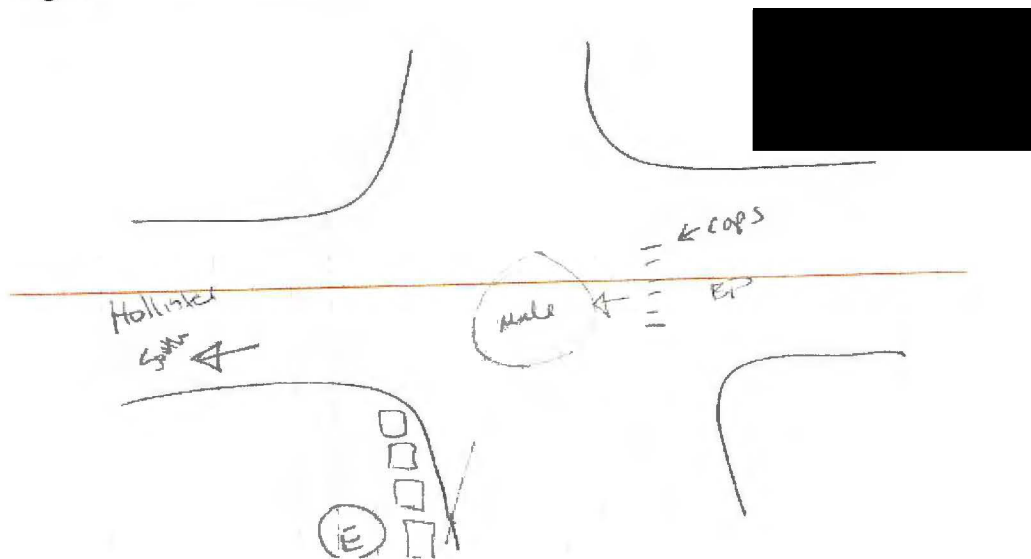
(Could you see which direction, or who was firing?) From my point of view, the cops were to my right. The cops shot south on Hollister Street *(drawn below diagram)*. The male was in the middle of the intersection.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

Page 3



[REDACTED] sent the cellphone video he took to Detective BUROW'S cellphone which was then transferred/downloaded. [REDACTED] then walked us to his backyard to show us his vantage point. His view, although at a bit of a distance was clear and unobstructed.

I completed the interview after approximately 12 minutes. The interview was digitally recorded in its entirety, refer to recording for complete details.

Reporting Detective Jana Beard

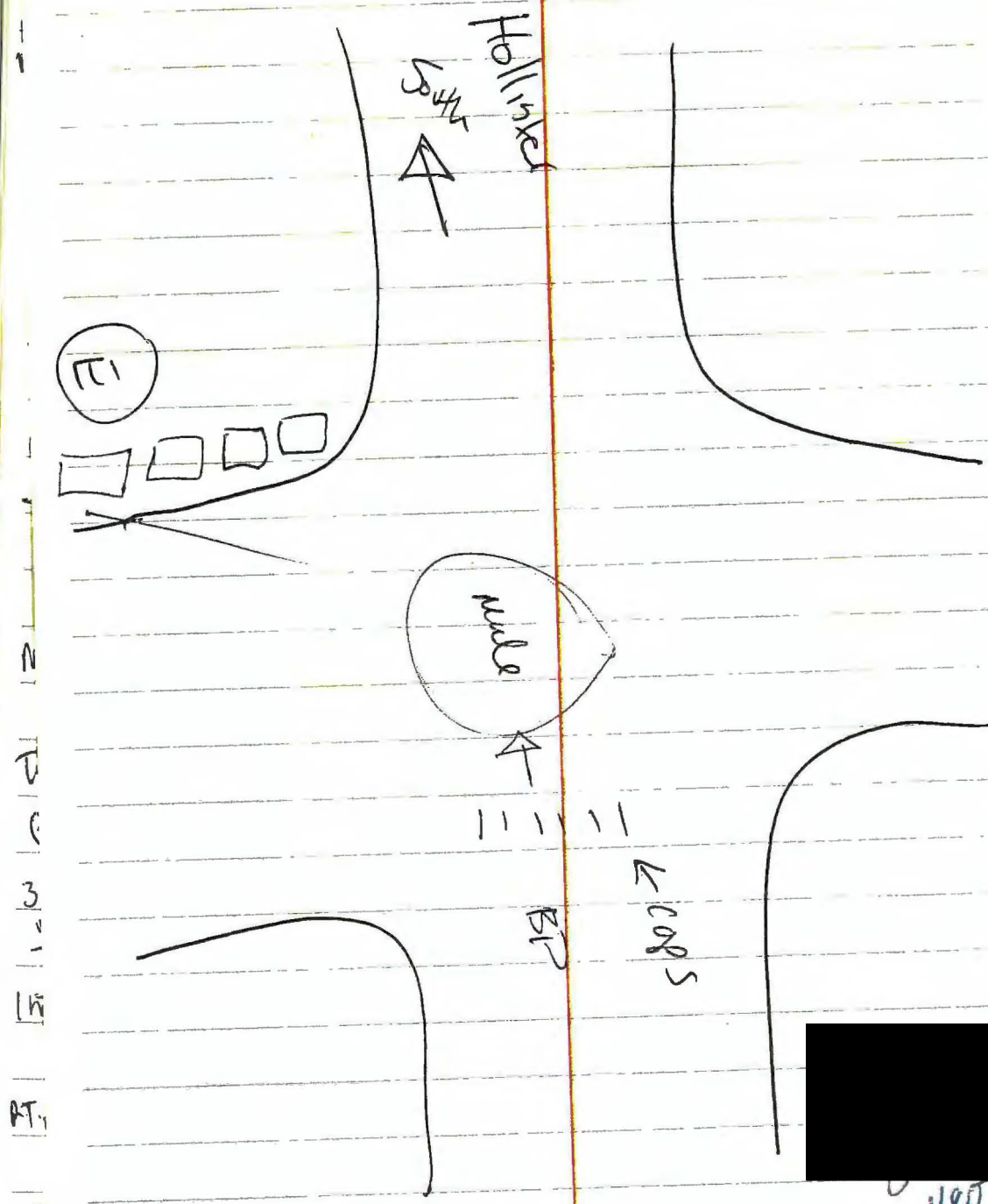
I.D. 4807

Homicide Team: V

Approved by: A/Sgt. Leaky #5869

Date of this report: 05-31-2018

Time: 0930



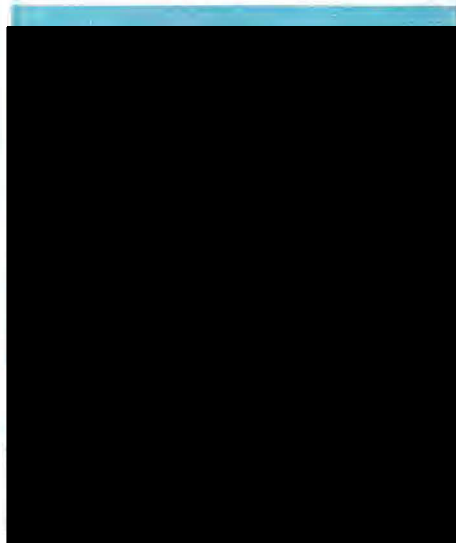
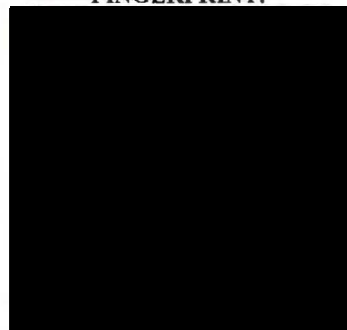
4801
5/28/2018

Department of Motor Vehicles Image - CAL-PHOTO

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:**

HAIR: **EXPIRES:** **CLASS:** **SEX:**
EYES: **HEIGHT:** **WEIGHT:**
DATE OF BIRTH:
ADDRESS:

PHOTO DATE: 06/08/2007	PHOTO OFFICE: 677	APPLICATION DATE: 07/22/2016	APPLICATION OFFICE: 239
ISSUE DATE: N/A	ISSUE OFFICE: N/A	RESTRICTIONS: 0	
PHOTO SEQ #: 4602		ENDORSEMENTS:	

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This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

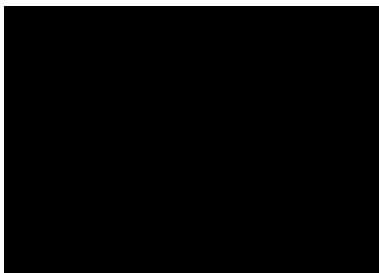
DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue.

I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the street (2300 Tocayo Avenue) acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife patrol officers were dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

Page 2

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at approximately 0235 hours, Detective BUROW and I went to [REDACTED] to speak with [REDACTED]. [REDACTED] was identified as a possible witness during the patrol briefing and had possible cellphone video of the incident.

[REDACTED] essentially told me the following based on the questions asked of him;

I heard sirens and then a second set of sirens. I looked out the window and I saw ABLE. I heard a pop, it wasn't like a gunshot it was a little bit lighter maybe. I know now that a bean bag was deployed and Taser, so it might have been on or the other.

(What do you mean you know?) I just heard that. So I heard a pop, and it wasn't as loud as a gunshot. I saw ABLE outside and knew something was going on. I went out into my backyard, it was about 20 seconds prior to the shooting. I saw two cops car go by but when I got outside I saw the intersection was full of Border Patrol and S.D.P.D.

(What room were you in initially when you heard the sirens?) The master bedroom in the back. I heard two different sets of sirens and it got my attention. My view was towards Tocayo Street. I went into the backyard and walked up against the fence. I looked over and saw a man in the intersection, kind of squirming around, like he was unsure of what direction to go. He was on his feet with his hands out *(demonstrating hands at his waist level and out.)* I could not see if there was anything in his hands. He was squirming around like in a circle. I could hear the cops telling him, "Get down on the ground, get down on the ground." That is when I heard about 20 gunshots.

(Did you ever hear anything about a weapon?) No.

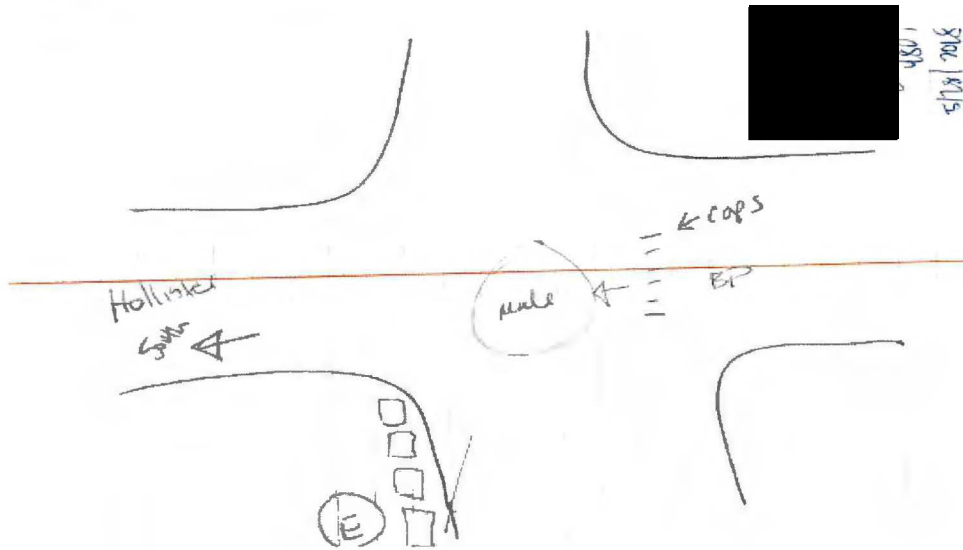
(Could you see which direction, or who was firing?) From my point of view, the cops were to my right. The cops shot south on Hollister Street *(drawn below diagram)*. The male was in the middle of the intersection.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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[REDACTED] sent the cellphone video he took to Detective BUROW'S cellphone which was then transferred/downloaded. [REDACTED] then walked us to his backyard to show us his vantage point. His view, although at a bit of a distance was clear and unobstructed.

I completed the interview after approximately 12 minutes. The interview was digitally recorded in its entirety, refer to recording for complete details.

Reporting Detective Jana Beard I.D. 4807 Homicide Team: V
Approved by: A/Sgt. Leaky #5869 Date of this report: 05-31-2018 Time: 0930

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: [REDACTED]

WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male brandishing a knife in a threatening manner at 2300 Tocayo Avenue.

San Diego Police Communications received a 9-1-1 call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife. S.D.P.D. officers were immediately dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents already on-scene. Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed less lethal force options such as the bean bag shotgun and Taser. This was done in an attempt to subdue and apprehend RIVERA. The use of less lethal force options were unsuccessful in subduing RIVERA.

Investigator's Report

Witness [REDACTED]

Case #18-001350/ 18-001351

Page 2

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers then assessed RIVERA's injuries and attempted to render first aid.

S.D.F.D. Medics arrived on scene and RIVERA was pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at 0155 hours, I introduced myself to [REDACTED]. She was sitting in the front seat of a marked police car at the scene with a uniformed officer. I had [REDACTED] walk to my police vehicle and I interviewed her while we sat inside my unmarked police vehicle parked at the scene. I captured the conversation on a digital recorder. [REDACTED] provided me with the following statement in response to my questions. Refer to audio recording for full details.

Statement of [REDACTED]

[REDACTED] essentially told me the following:

We just got off the freeway and where our car is parked, we were going to make a right turn. ([REDACTED] indicated her mother's vehicle, a [REDACTED] in the number two westbound lane of Tocayo Avenue in a position to go north on Hollister Street.) My mom was driving and I was in the front passenger seat. I was going back to school at the [REDACTED], and my mom was going to drop me off.

We were going to turn right but we had to stop. There was already the one Border Patrol vehicle in front of us and we could not move forward (indicated the Border Patrol vehicle in the intersection). There are two cars there now, but the other one did not get there until later. The Border Patrol that was in front of us was a big SUV and was facing south on Hollister Street and in our lane of traffic. We were perpendicular to each other, and we could not move forward. I saw the Border Patrol officer get out of driver side of thier car. I only saw the one Border Patrol Agent at this time. It looked like a female, but it could have been a male officer.

The guy with the knife was in the middle of the street. The officer got out of his car and got his gun out. The officer was yelling at the guy in the middle of the street to "stop and drop the knife." The guy refused the order and said, "No!" and continued walking towards the officer. A few seconds later more police vehicles began arriving.

I did not see the knife in his hand until I heard the Border Patrol officer yelling at the man saying, "Drop the knife!" I heard the officer yell that three to five times at the man. The officer was not pointing his gun at the guy yet, but was holding the gun down by near his holster. The officer had a handgun.

The guy with the knife kept walking and the officers followed the guy. The guy went on the otherside of the van and I did not see what happened (indicated on the westside of the intersection west of the stopped Border Patrol vehicles).

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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I initially heard the Border Patrol officer telling the guy to drop the knife, he was about fifteen feet from him.

I did see something in the guy's hand that looked pointy and shiny. I am not sure which hand he had the knife in.

I did not really look at the details of what happened. The guy had in his hand what looked like a little pocket knife.

Once the guy went on the other side of the van, more cop cars started showing up. I did not see much.

I did not see what happened on the other side of the Border Patrol cars, and I could not hear anything.

The next time I saw the guy with the knife he was at the back of the Border Patrol vehicle (indicated north side of intersection). I observed the man running and I think they shot him with BB's. The guy was just taking the impacts and he was still standing.

I saw him run south and then west. It looked like the officers were shooting him with something like BB's. Because he just kept on moving around. Then eventually he was down. I heard the sound of BB's. It was a low noise sound, not like a bullet. I don't know. I see the guy is down, but I only heard BB's.

My mom's car window was up and my window was up, but cracked open slightly. I was talking to my mom most of the time about the quinceanera we just came from. My brother's are home alone right now. That is what I and my mom were talking about when this was going on. I was not that nosey to see what was happening outside of the car. I noticed things, but when the guy with the knife disappeared I was just talking with my mom.

When the officers were all out of the cars I could not tell the difference between the Border Patrol and the San Diego Police Officers.

I was unable see who was shooting at the guy. I could not tell and I did not see the flash from the guns. I only heard the shots.

I was unable to hear if the officers were saying anything to the guy as he was running around.

Our car is now in the same spot and has not been moved since this happened.

I did see the fire department and paramedics arrive, but I did not see them tending to the guy. There was a lot of police cars and their lights were on.

When this happened there were a lot of police cars stopped behind my mom's car, but not in the middle of the intersection. The police cars that were previously parked behind us have now left.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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I completed the interview at approximately 0212 hours, and provided [REDACTED] with my business card. I told [REDACTED] to contact me if she recalled any additional information about the incident and escorted her to her mother's vehicle. I then introduced myself to [REDACTED], [REDACTED] mother, and had her follow me back to my unmarked patrol vehicle. I instructed [REDACTED] to sit in their car while we interviewed her mother. I escorted [REDACTED] to my unmarked patrol car, and she was interviewed by Detective A. TAFOYA. Refer to Detective TAFOYA's report for [REDACTED] statement.

Reporting Detective D. BUROW

I.D. 5268

Homicide Team: V

Approved by: A/Sgt. Leahy #5869

Date of this report: 05-29-2018

Time: 1100

Department of Motor Vehicles Image - CAL-PHOTO

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:****EXPIRES:****CLASS:****SEX:****HAIR:****EYES:****HEIGHT:****WEIGHT:****DATE OF BIRTH:****ADDRESS: , , ,****PHOTO DATE:**

01/04/2018

PHOTO OFFICE:

677

APPLICATION DATE:

01/04/2018

APPLICATION OFFICE:

677

ISSUE DATE:

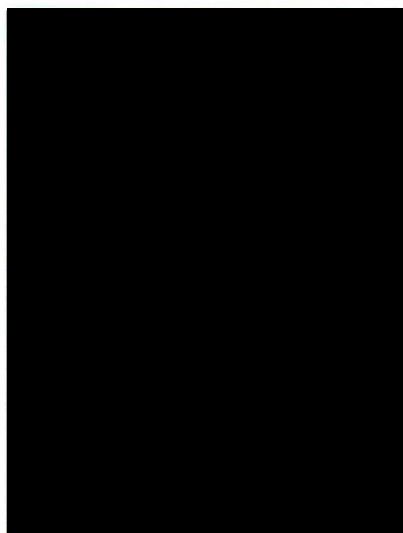
N/A

ISSUE OFFICE:

N/A

RESTRICTIONS:**PHOTO SEQ #:**

5944

ENDORSEMENTS:**SIGNATURE:****FINGERPRINT:**

This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

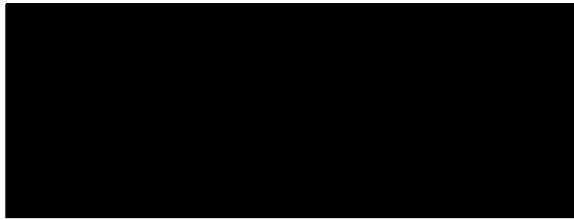
DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male brandishing a knife in a threatening manner at 2300 Tocayo Avenue.

San Diego Police Communications received a 9-1-1 call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife. S.D.P.D. officers were immediately dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents already on-scene. Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed less lethal force options such as the bean bag shotgun and Taser. This was done in an attempt to subdue and apprehend RIVERA. The use of less lethal force options were unsuccessful in subduing RIVERA.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers then assessed RIVERA's injuries and attempted to render first aid.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

Page 2

S.D.F.D. Medics arrived on scene and RIVERA was pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 29, 2018, at 1515 hours, I went to [REDACTED] to interview [REDACTED]. The location was [REDACTED] place of employment. [REDACTED] was the reporting party that called police communications to report the incident involving Raul RIVERA. [REDACTED] was not interviewed the night of the incident, but her husband, [REDACTED], was interviewed by Officer A. TELLO.

I obtained [REDACTED] statement and captured the conversation on a digital recorder. Refer to audio recording for full details.

Statement of [REDACTED]

[REDACTED] essentially told me the following:

We were visiting my mom. She lives on [REDACTED] which is like two streets down Tocayo Avenue (west of Hollister Street). We left her home around 10:35 pm and we were going home and my home is maybe five blocks away. So we are very familiar with the area and it is a quiet area. Not much happens.

As we were heading towards home. We went east on Tocayo Avenue to the traffic light at Hollister Street. We were going to make a left on Hollister Street. My husband was driving and as we were approaching the traffic light I saw this man coming from Tocayo Avenue and he walked across the intersection. Not like normal in a crosswalk from corner to corner.

He was on the south sidewalk of Tocayo Avenue walking towards Hollister Street and he walked into the intersection.

I drew a diagram of the intersection of Tocayo Avenue and Hollister Street on my notebook and had [REDACTED] indicate on the diagram their location and the suspect's path of travel. [REDACTED] indicated the suspect walked westbound Tocayo Avenue on the south sidewalk towards Hollister Street and then walked from the southeast corner of the intersection in the direction of the northwest corner of the intersection. I used the letter "X" for the suspect on the diagram and placed it in the location where [REDACTED] noted she first saw the suspect.

He walked towards the northwest corner, but he did not go there. He walked towards us and went to the driver side of our car. He was walking like this (indicated hands balled up into fists and out to his sides in an aggressive demeanor). His aggressive behavior is what grabbed our attention as we were getting closer to the intersection.

He walks maybe two feet away from our car (indicated they were in left turn lane of Tocayo Avenue to go north on Hollister Street). I am in the front passenger seat, and my two kids and my aunt are in the back seat. The man walked up looking to see who or what was inside our car. He had what I thought was a screwdriver at first in his right hand. He looked like this (indicating a mean/angry facial expression).

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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He came up to my husband's side of the car very close to us. He was about two feet away and he circled our car. I told my husband to run the red light. The light was red, but I told him to go. I don't think my husband was hearing me and he wanted to see who this man was and what he was up to. The man then continued to walk west on Tocayo Avenue.

As we are at the traffic light a Border Patrol was at the light too and across from us (indicated westbound Tocayo Avenue and set up to go south on Hollister Street). The Border Patrol was going to go left (south) on Hollister Street down towards the ranches. My husband was flashing our car headlights to get the attention of the Border Patrol, but they did not see us or know we were trying to get their attention. The Border Patrol continued through the intersection and we went north on Hollister Street on the green light.

We went to our house and dropped off our kids. I was concerned about the man in the neighborhood. I told my husband to call my mother. When we left her home, she was mopping the floor and had her doors open. My sister was also there and just had a baby. I was concerned for them and wanted my husband to call them. My husband said let's just drive back to my mom's house. I did not want my husband to go back alone so I went with him. We left my aunt and the kids at our home, and drove back to my mom's house.

We got back to the intersection (Tocayo Avenue and Hollister Street) and the man was still there in the intersection. I could see him from far away and he was chasing cars, as if trying to scare them. He had the same aggressive stance and cars were driving around him. He was walking from corner to corner of the intersection. He was not respecting any crosswalks or anything like that.

We were going to make the right turn onto Tocayo from Hollister to go back in the direction of my mother's house. The man was in the intersection (indicated in the southbound lanes of Hollister Street). My husband stopped the car right here (indicated the west curb line of Hollister Street north of Tocayo Avenue) and told me to call the police. I did not want to call the police. I did not know what to say or what to think about what was happening. I didn't call right then.

My husband then turned right onto Tocayo to go towards my mother's house, but we did not go to her house. My husband then made a u-turn on Tocayo to go back towards Hollister Street. He wanted to see a Border Patrol or a police officer. At that hour the Border Patrol changes shifts so there were a lot of Border Patrol around going back and forth and nobody saw him.

As this point I decided to call the police, and we made a right turn onto Hollister Street (to proceed south) from Tocayo Avenue. Then my husband made a u-turn on Hollister Street to go back north towards Tocayo again. We waited for the traffic light at the intersection. The man was still there in the intersection scaring cars.

I was on the phone with the police and my husband was trying to find someone (Border Patrol or police) to get their attention about the man in the intersection.

We saw the whole thing happen.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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When we were close to the man I could then see he had a knife in his hand. I noticed it was a knife with rigid teeth, like a Rambo type of knife.

We saw Border Patrol drive through the intersection and the man was chasing Border Patrol. My husband did not have time to get their attention because we were watching the man with the knife.

The first Border Patrol that did stop is the one that my husband did get to pull over. We stayed there at the intersection. The Border Patrol did not want to draw his gun on the man. The man was going like this to him (indicated pointing the knife at him). The Border Patrol was telling the man to stop and drop to the floor. We had our car windows down. At that point the Border Patrol was going to grab his gun, but he dropped something. I then told my husband that this was none of our business and to just leave.

Then within seconds another Border Patrol arrived. It was a van. The Border Patrol stopped in the middle of the intersection and then turned on his lights. The Border Patrol got onto like the side of the sidewalk (indicated the northeast corner of the intersection). It was the first two Border Patrols and then a lot more Border Patrol cars started coming.

We then moved over this way (indicated the northwest corner of the intersection). By that time the Border Patrol had their guns out. We parked right here (indicated the north curb line of Tocayo Avenue west of Hollister Street).

We were there when the shooting happened. We saw when the officers used a Taser and he removed them from his body. There were no police officers over there (indicated Tocayo Avenue west of the scene), and then they started closing it off.

I only heard the gunshots. I got nervous and told my husband to leave. I then called my brother in law and told him what happened. He is a Border Patrol officer (later [REDACTED] indicated her brother in law was not involved in the incident). I went home after everything happened.

The officers told the man a lot of times to get down and to let go of the knife and he kept saying, "No." The man was running back and forth, and so I think the he went towards one of the officers when they shot, but I could not see because of all the cars.

My husband is [REDACTED] [REDACTED] My aunt is [REDACTED] [REDACTED]. The police talked to my husband that night. He stayed there. [REDACTED] does not live here and only visiting through this weekend and only speaks Spanish. The man was saying things when he was walking around our car when we first saw him, but I couldn't understand what he was saying. He seemed upset or something.

At 1545 hours, I concluded the interview with [REDACTED]. I provided her with my business card and told her that I would be in contact with her to interview her aunt, [REDACTED].

Reporting Detective D. BUROW

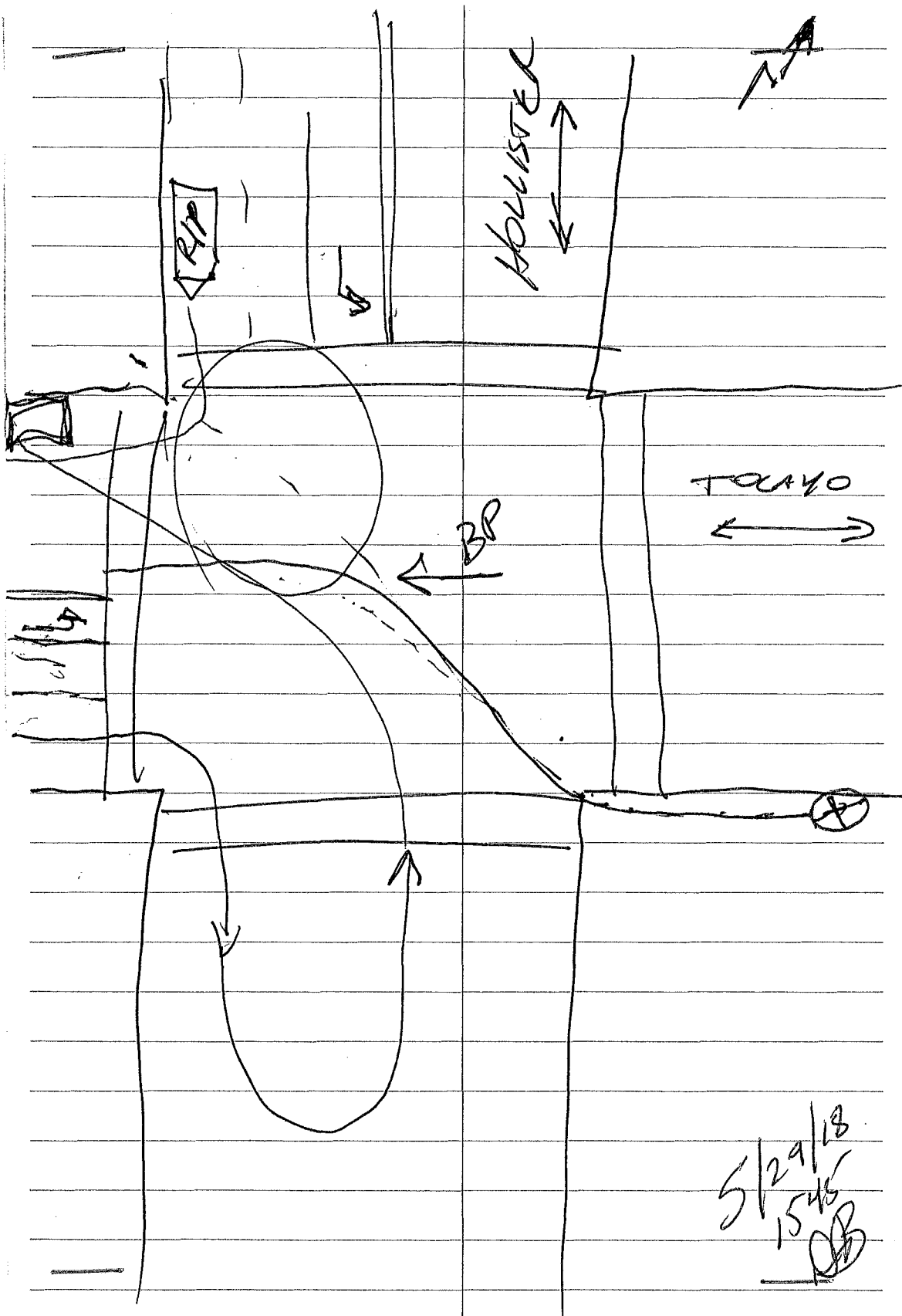
I.D. 5268

Homicide Team: V

Approved by: [Signature] #5869

Date of this report: 05-31-2018

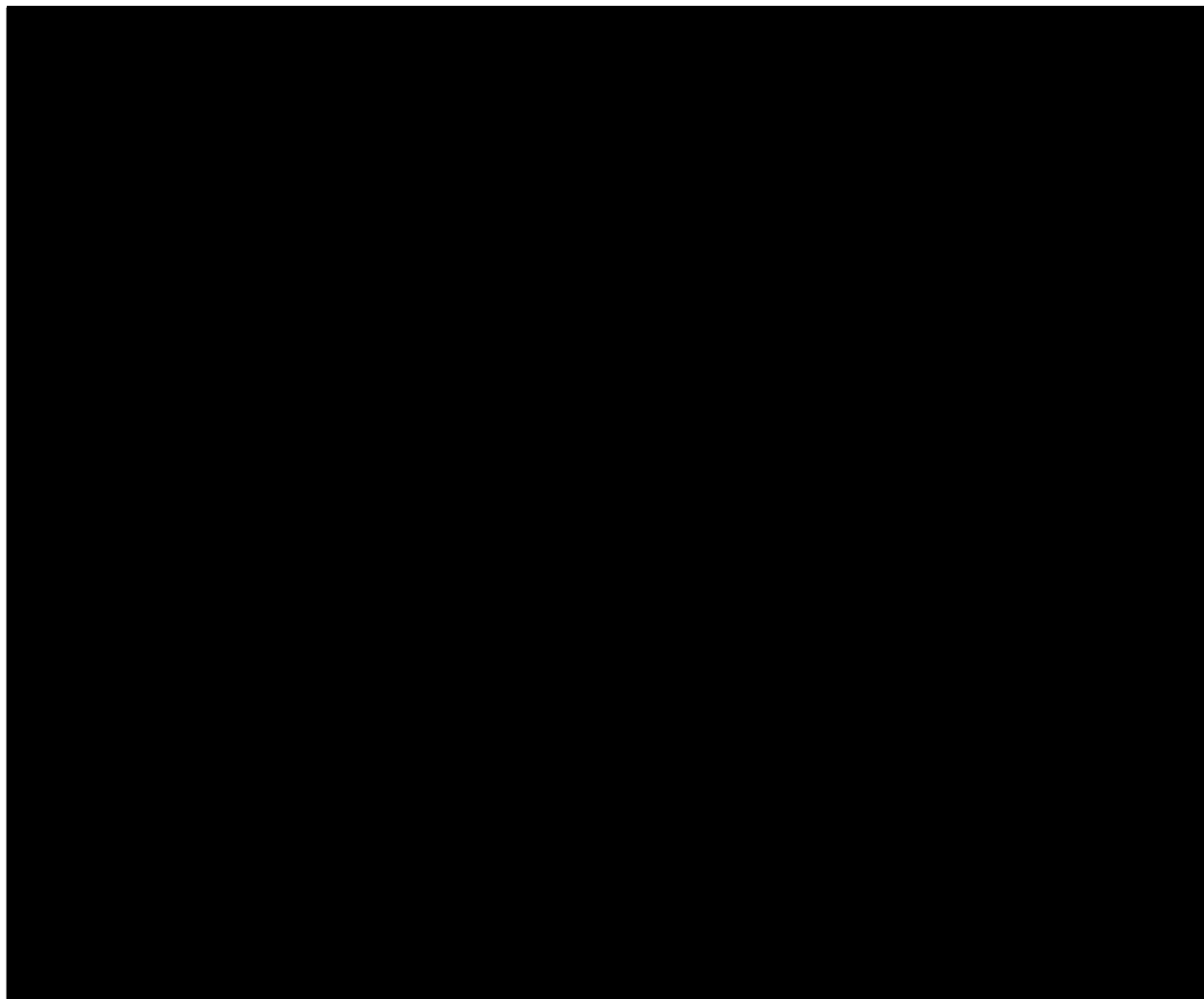
Time: 1200



5/29/18
1545
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Department of Motor Vehicles Image - CAL-PHOTO

**CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:**



This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

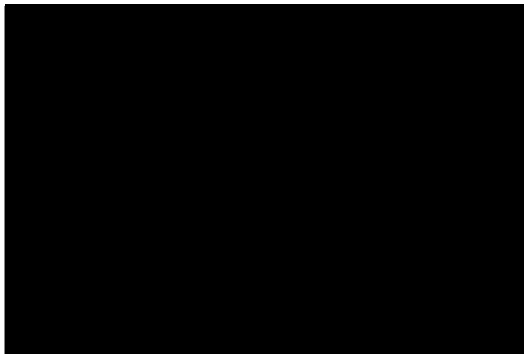
DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue.

I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the street (2300 Tocayo Avenue) acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife patrol officers were dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

Page 2

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground. Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at approximately 0200 hours, I met with and spoke with motorist [REDACTED]. The interview took place in my unmarked police car. [REDACTED] essentially told me the following:

I was on Tocayo traveling westbound. My passenger, [REDACTED] lives down the street and I was on my way to drop him off at home. I want to say it was right around 11 pm. I didn't really look at the clock until after everything had kind of settled down.

We were in the left hand lane of traffic (#1 lane) when we first pulled up. There was at least two other vehicles with us. When we came to a stop up there, someone pulled in behind me. That is how I ended up on the wrong side of the road over there, I tried to back up to get some distance. It didn't look like it was going to go very good.

(So you are driving up the street and what do you see?) At first I saw the police overhead lights. I pulled up a little ways behind them and we could see all of the commotion; the officers standing on the corner with the dude.

(When you say see a commotion, what are you seeing?) I saw the guy standing there, surrounded by police officers. Well I don't know how surrounded he was. They were all kind of shouting, I can't really say what I heard them saying.

(Were the officers in uniform?) From what I remember seeing, yes. I know I saw there was the black uniforms (S.D.P.D.) and there were also Border Patrol agents.

(And you said there was someone they were kind of surrounding?) It was all the same guy, all the one guy. They were on the corner closet to us so I would say the northeast corner of the intersection, behind where the Border Patrol van is parked now.

(Could you tell what their movements were, what they were doing or what was the general vibe of what you were seeing?) They were trying to keep dude...it was like the guy was trying to rush them. I don't know if he was trying to fight them or what he was going for. Then they went behind the vehicles and I couldn't really see much after that. Then the guy kind of poked out on the other side of the vehicles and that is when he was shot.

(Prior to that, you are seeing what you think is a commotion on the corner. Could you hear the officers giving any commands?) I heard shouting, but I don't know what I was hearing. I had the windows partially up on the truck and I was moving the vehicle still.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

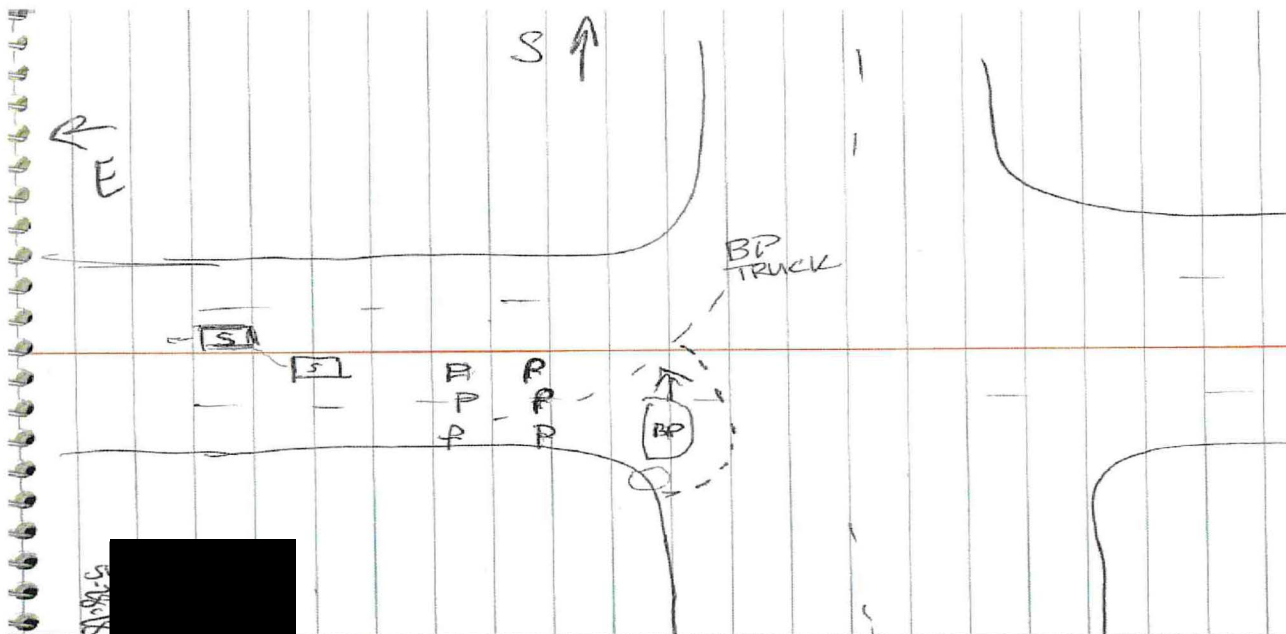
Page 3

(What about the guy they were shouting at, did you see anything in his hands?) I never observed anything in his hands, but I saw him putting his hands up, like he wanted to fight.

(What did the guy look like?) He was Hispanic, possibly a little heavy set or muscular build. I couldn't really tell, there were a lot of cars between us and I was a distance away from him also. I want to say he was wearing blue jeans, a grey short and a hat, a baseball hat that was black or dark.

[REDACTED] then drew on a diagram to help orient where people were within the scene. I started indicating what he saw and where he saw it (below). He said when he first pulled up, his truck was now further forward than it is currently parked (marked with a square and an S). [REDACTED] then drew where he saw a Border Patrol Van, marked with a "BP". He then marked where he recalled seeing patrol cars with "P's".

He said he pulled up behind the police cars initially and at one point backed up his vehicle and ended up stopping in the eastbound lane of traffic, but was still facing westbound. [REDACTED] placed a light circle where he saw the male and said he was moving around. [REDACTED] said he lost sight of the male at one point behind the Border Patrol van and that is when he first heard "pops". He estimated he heard a handful of pops, possibly five or more. [REDACTED] said the male came back around into his view and something happened and then gunshots were fired, 10 to 15 shots. [REDACTED] said he did not know exactly what happened. [REDACTED] said he did not have a clear view of the officers at the time of the shooting, but the male was in front of the van, "where he is now". [REDACTED] then said it looked like the male was going to run and a Border Patrol truck/SUV took off southbound. [REDACTED] said the male went to the ground after the burst of gunfire. He saw officers approach the male and roll him onto his side.



Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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I heard lots of things, but nothing I can recall specifically. My windows were only rolled down slightly. I could hear things being said, shouting but could not make out exactly what was being said.

(Did you see anything in his hands?) I saw him put his hands up, like in a fighting stance, but I did not see anything in his hands.

(Did he give you an appearance at all?) He seemed very aggressive toward the police and not cooperative at all. He seemed like he wanted to fight them.

(Did you hear him say anything?) It looked like he was saying things, but I could not make out what words he was saying.

(Of the police cars you put on diagram, do you recall if their lights were on?) Some of them did have their overhead lights activated, but I don't know if all of them did. A large number of them did.

I completed the interview after approximately 16 minutes. The interview was digitally recorded in its entirety, refer to recording for complete details.

Reporting Detective Jana Beard

I.D. 4807

Homicide Team: V

Approved by: [Signature]

Date of this report: 06-01-2018

Time: 0930

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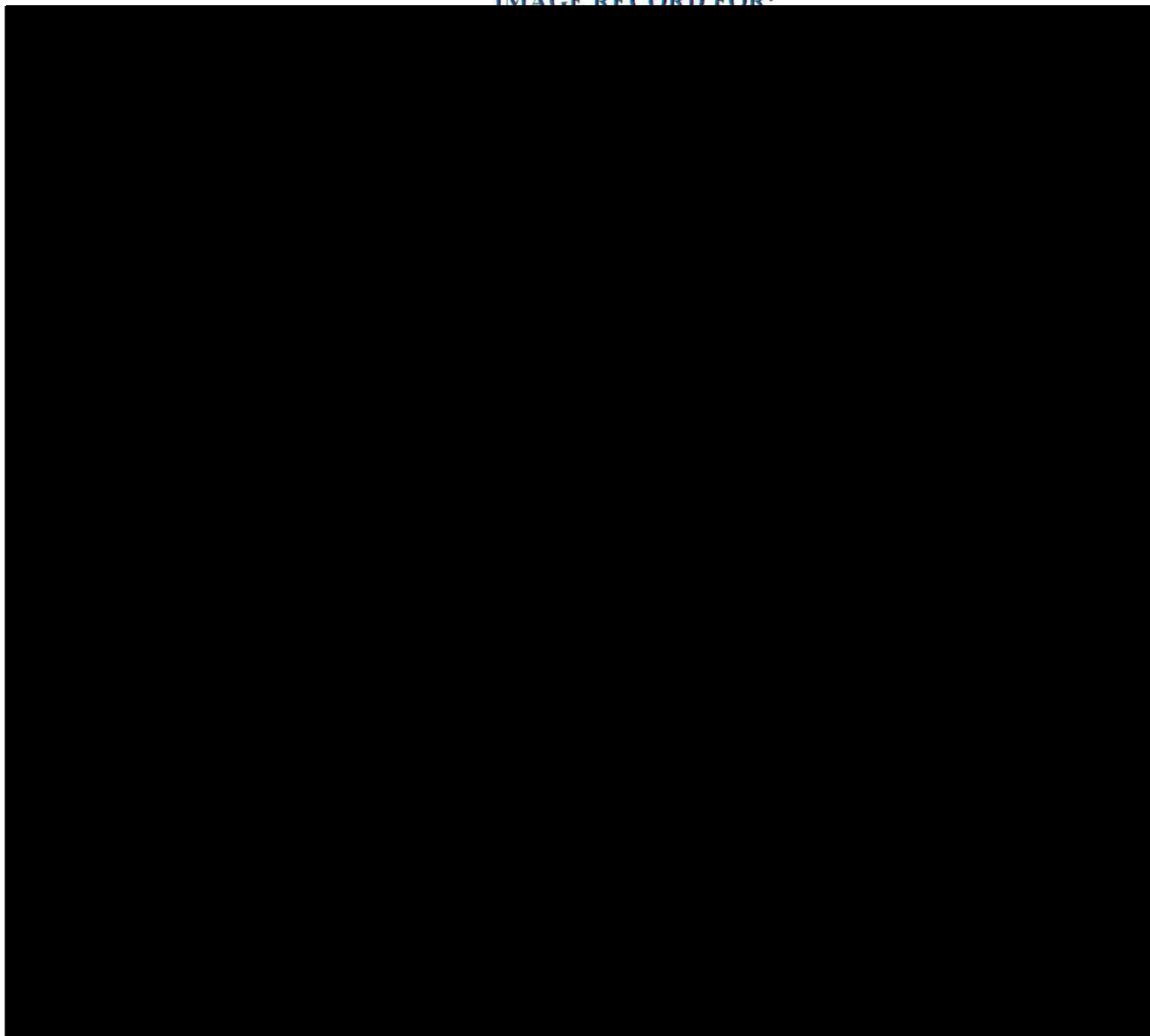
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Department of Motor Vehicles Image - CAL-PHOTO

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:



This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)
TIME (occurrence): 2252 Hours
LOCATION: 2300 Tocayo Avenue, San Diego, CA
SUBJECT:

OIS/Special Investigation - SDPD Case #18-602576

Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]

Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]

245(c) PC ADW Officer – SDPD Case #18-016572

Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]

Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76

Event #18050043895

SUBJECT INTERVIEWED: LUNA, Hector
[REDACTED]
US Border Patrol – Imperial Beach Station
1802 Saturn Boulevard
San Diego, CA 92154
Phone: [REDACTED]

WITNESS STATEMENT:

On May 28, 2018, at approximately 0003 hours, Sergeant S. Shebloski #5317 informed Homicide Unit Team 1 that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue. I arrived on scene at approximately 0107 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol agents were flagged down regarding a male armed with a knife in the street of 2300 Tocayo Avenue, acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately sent patrol officers to the scene. San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop his knife, and was threatening officers with the knife. San Diego Police officers deployed bean bag shotgun impact projectiles and taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of less-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by gunfire and dropped to the ground. Officers began examining RIVERA to render first aid. SDFD Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018 at 0200 hours, Homicide Team 1 drove to the Imperial Beach Border Patrol Station to conduct interviews of agents who witnessed the shooting. Detective Michael Weaver and I met with Agent Hector LUNA at the station. On May 28th, 2018, at 0244 hours, Detective Weaver and I spoke with Agent Hector LUNA and conducted an interview. The interview was audio-recorded. The following is an in essences summary of this statement. For complete details of the interview, refer to the audio recording.

Statement of Agent Hector LUNA – USBP:

I work for the United States Border Patrol. I have been employed by Border Patrol for approximately 11 years. My current assignment is the Strike Team, a plain clothes assignment working along the coast, and I was working tonight. The attire I have on now was the same at the time of the incident.

It was noted LUNA was wearing blue jeans, a flannel shirt, had a beard, and wearing his badge around his neck. LUNA'S badge was unobstructed and visible. LUNA was carrying a [REDACTED]

I was getting my vehicle ready to go out into the field here at the station. I heard someone get on the radio and say there was a man with a knife on Hollister Street and Tocayo Avenue. At that point I did not know who the agent was who was requesting additional units to respond. I was driving an unmarked [REDACTED]. I drove to the intersection and saw it was already surrounded by police and Border Patrol vehicles. As I approached, I could see about half a block away, a crowd of San Diego Police (officers) in the middle of the intersection. I could see them surrounding someone. I assumed it was the man with the knife, but I could not actually see the person they were around.

As I approached, there was another San Diego Police officer who was blocking traffic. The officer told me to stop because he did not recognize me as a Border Patrol Agent. I showed him my badge and he let me through. I pulled over to the side and put my vehicle in park. As I was putting my vehicle in park, I heard gun shots. I was approximately 30 yards north of the intersection on Hollister Street facing the intersection. My window was down at the time. I did hear the officers yelling commands to drop the knife twice. It was as I pulled over to park, when I heard the gun shots. I was not looking directly at the intersection when the officers fired. I did look up when I heard the shots, but the male was already on the ground. I went to the perimeter of the intersection. I did not see the knife but I could hear the officers commanding him to drop the knife. I did not hear anything that sounded like a non-lethal weapon.

When medics arrived I moved my vehicle closer to the intersection because it was blocking traffic. My vehicle was in the crime scene after the shooting so I was told to leave my vehicle.

The interview was completed at approximately 0253 hours. Detective Weaver and I provided LUNA with our business cards.

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

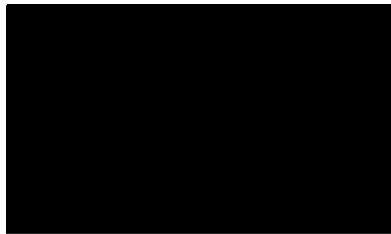
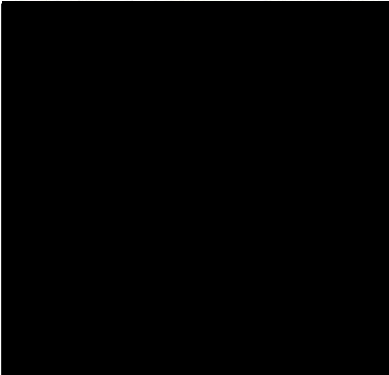
DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER-TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:



WITNESS STATEMENT:

On May 27th 2018, at 2339 hours, Acting Detective Sergeant Christopher Leahy #5869 informed me there was an officer involved shooting case we were being assigned to investigate. He directed me to respond to 2300 Tocayo Avenue, and join other homicide investigators to assist with the investigation.

I arrived on scene on May 28th at 0035 hours, and parked my unmarked police vehicle on the north curb line of 2300 Tocayo Avenue. I exited my vehicle and met with other members of the San Diego Police Department's Homicide Team 5. At 0122 hours, I attended a briefing conducted by Southern Patrol Acting Sergeant T. Bryan #5301. At 0149 hours, the briefing concluded.

After the briefing, A/Sgt. Leahy directed me to interview two of the civilian witnesses, [REDACTED] and [REDACTED].

I introduced myself to [REDACTED], and spoke briefly with her. [REDACTED] agreed to be interviewed and I obtained her statement inside of my unmarked police vehicle. During the interview I was seated in the driver's seat and [REDACTED] sat in the front passenger seat. The interview was digitally recorded. I later downloaded the interview onto a CD and impounded it as the original. I also made a working copy of the interview and put it onto a CD. I later turned the CD over to Detective Kate Allison.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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My interview began at 0219 hours.

Statement of [REDACTED] (Witness):

[REDACTED] essentially told me the following statement.

I was driving my charcoal colored [REDACTED] this evening. My daughter, [REDACTED], was seated in the front passenger seat next to me. We were returning home from Tijuana, Mexico.

We were traveling westbound on Tocayo Avenue in the far right lane of traffic. I was driving my daughter to her home. We were preparing to make a northbound right turn onto Hollister Street. I slowed down because I saw the two Border Patrol trucks in front of us. There was a guy walking and running around with a knife. The man was in the crosswalk. I tried to back up in my vehicle, but there was a car directly behind me. Another car was directly in front of mine just before the intersection.

I saw two or three border patrol officers on the opposite side of the truck, but it was difficult to see. They were all just north of the Tocayo Avenue intersection, on Hollister Street. The Agents were trying to talk to the guy. Rivera was yelling, "No! No!" The man wasn't going to drop the knife. I saw the man was holding a knife in his hand. We were pretty close to where this was all happening so I saw a lot.

It looked like a kitchen knife. I'm pretty sure the knife was in his right hand. He was waving it around while holding it. Initially the Border Patrol Agents were talking to the man and he was just holding the knife. The Agents kept telling him to drop the knife and he responded by saying, "No" and was advancing towards them. The Agents were telling him to put the knife down. The man wasn't complying. I think he was kind of threatening the Border Patrol Agents. The Agents were backing away. At one point, I saw the man walking towards one of the Agents and the Agent was backing up. The Border Patrol Agent had a gun, all of the Agents had guns drawn. I think the man was on drugs. He did not seem to care.

About a minute later, San Diego Police Officers began arriving. They responded to the scene quickly. When the San Diego Police Officers arrived the man with the knife was approaching them. They were still at the northeast corner of the intersection.

I heard the Police Officers telling the man with the knife to drop the weapon. At this time I would estimate there were about seven Police Officers on-scene. I saw the man with the knife walk west through the crosswalk. He walked approximately twenty to thirty feet beyond the crosswalk. I saw the Officers following the man. Then the Police Officers fired about ten to fifteen rounds, but I don't believe it was a gun because it sounded softer like a pellet gun. I remember the gun was big, similar to a shotgun. I heard the shots being fired, but didn't see it.

The man with the knife sort of fell, but he didn't fall. Instead, the man with the knife began running westbound on Tocayo Avenue westbound, in the center lanes. He ran west about two car lengths, then he turned around and ran back, eastbound on Tocayo Avenue towards the intersection at Hollister Street.

Investigator's Report

Witness: [REDACTED]

Case #18-001350/ 18-001351

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The man was still armed with the knife in his hand. At this time, there were approximately ten Police Officers and three Border Patrol Agents at the scene. I remember Officers next to my car and more officers were on the northeast corner of the intersection. Rivera was in the center of the intersection. The man with the knife was yelling something like, "No! No!"

Additional Police Officers arrived and told the man to put the knife down and to get down...to stop. This went on for about twenty to thirty seconds. The man with the knife was acting like he was under the influence of drugs. He didn't stop. Then the Police Officers shot him. He tried to run, but instead fell to the ground. The officers handcuffed the man. To me, it looked like the man's arm was broken.

Before the shots were fired, the man with the knife was looking at the Police Officers and yelling something, but I could not understand what exactly he was saying. The man was holding the knife in the air a lot, off to the side, and above his shoulders. When the Officers were giving the man orders, the closest Officer to him was about a car length away from him. Everything happened too quickly, I don't remember what happened immediately before the shooting. I heard a lot of shots, more than ten. After the shooting the man with the knife fell to the ground.

I would estimate the man with the knife was about six feet tall, he appeared overweight, and Caucasian. I would estimate his age to be between forty and forty-five years old.

-End of Statement-

The interview concluded at 0244 hours.

At the conclusion of the interview I escorted [REDACTED] to the location where her vehicle was parked. [REDACTED] was parked in the #2 westbound lane of 2300 Tocayo Avenue, approximately 4 car lengths east of the crosswalk. The license plate on her vehicle was [REDACTED].

[REDACTED] vehicle was facing westbound. [REDACTED] told me her vehicle was closer towards the intersection when the incident occurred. She told me she drove her car in reverse after the shooting.

I asked [REDACTED] to point out the location on the street where the front driver side bumper of her vehicle was when she witnessed the incident. [REDACTED] pointed to the ground where her front bumper was during the shooting. [REDACTED] told me her vehicle was closer to the curb, as she described she was preparing to turn right onto Hollister Street. Detective Allison used her measuring wheel and measured the distance from the curb line to the location [REDACTED] estimated her vehicle was positioned at the time of the shooting. Detective Allison told me the distance was thirty-five feet east of the east curb line of 1800 Hollister Street.

I then assisted [REDACTED] with driving her vehicle out of the scene. [REDACTED] left with her daughter, [REDACTED].

Reporting Detective Andrew Tafoya

I.D. 6101

Homicide Team: 5

Approved by: A/Sgt. Leaky #5869

Date of this report: 05/29/18

Time: 1520 hours

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **MENDOZA, Joel** (Police Officer)
ID #5555
San Diego Police Department
Southern Division- Patrol Operations
1120 27th Street, San Diego, CA 92154
(619) 424-0400

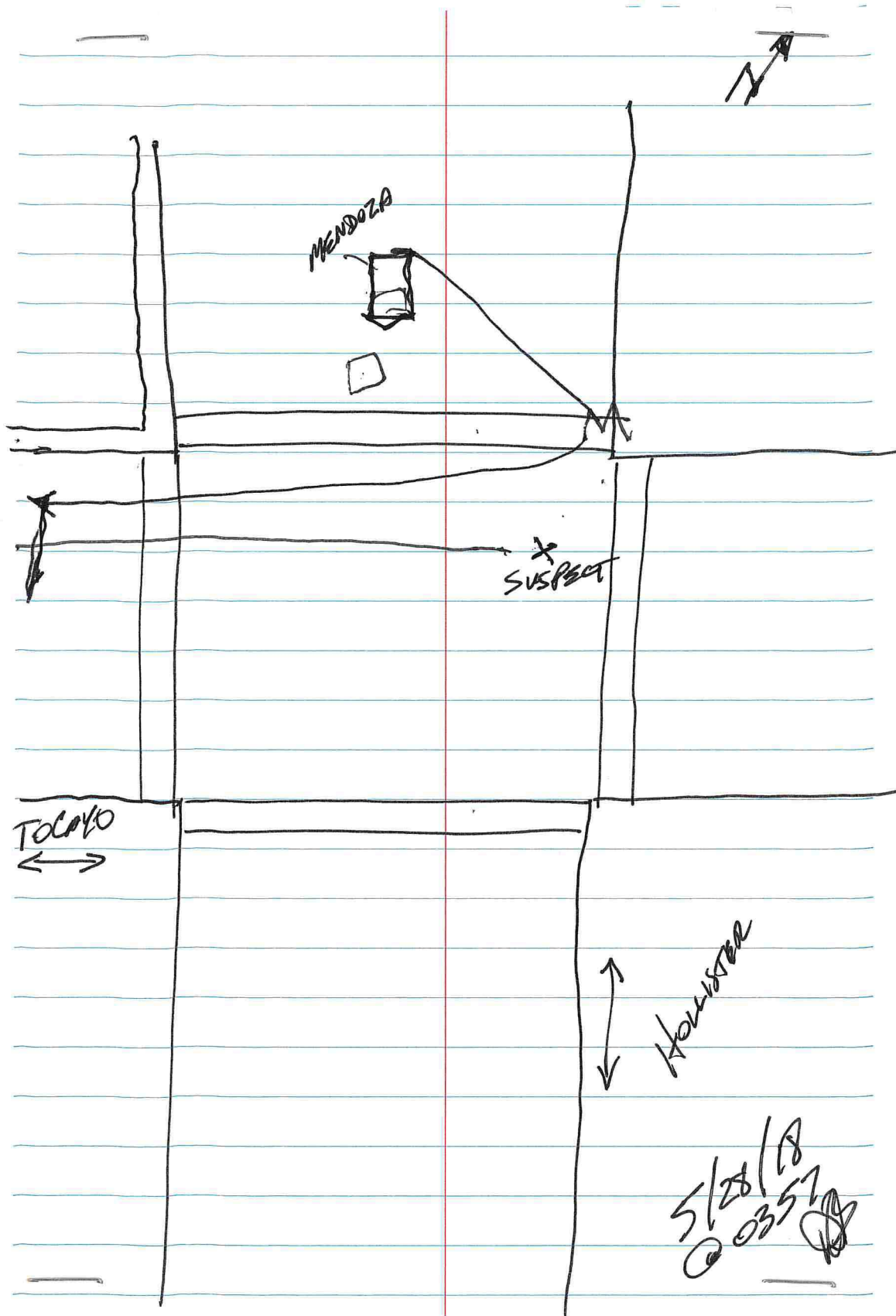
WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue.

I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the street (2300 Tocayo Avenue) acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife patrol officers were dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground.



**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED: **MUNIZ, Michael** (Police Officer)
ID #7483
San Diego Police Department
Southern Division- Patrol Operations
1120 27th Street, San Diego, CA 92154
(619) 424-0400

WITNESS STATEMENT:

On May 27, 2018, at approximately 2330 hours, A/Sergeant LEAHY informed Homicide Unit Team V that an officer involved shooting just occurred. We were directed to respond to the scene of the shooting, 2300 Tocayo Avenue.

I arrived on scene at approximately 0030 hours. At 0122 hours, A/Sergeant T. BRYAN gave a briefing on the incident. During the briefing we learned at approximately 2252 hours, United States Border Patrol agents were flagged down regarding a male armed with a knife who was standing in the street (2300 Tocayo Avenue) acting in a threatening manner. San Diego Police Communications also received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife patrol officers were dispatched to the scene.

San Diego Police officers arrived on scene and found numerous uniformed Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused verbal commands to drop his knife and was threatening officers with the weapon. San Diego Police officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect.

RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was struck by gunfire and dropped to the ground.

Investigator's Report

Witness: SDPD Officer Michael MUNIZ

Case #18-001350/ 18-001351

Page 2

Officers began assessing RIVERA's injuries and rendering first aid. S.D.F.D. Medics arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours. After the briefing, I was directed to conduct witness interviews.

On May 28, 2018, at 0310 hours, I was directed by A/Sergeant C. LEAHY to go to Southern Division to interview witness officers that deployed bean bag impact rounds or used a Taser. I arrived at Southern Division and interviewed Officer M. MUNIZ at 0403 hours in the investigations conference room. I captured the conversation on a digital recorder. Refer to audio recording for full details.

Statement of Officer M. MUNIZ

Officer MUNIZ essentially told me the following:

My unit designator this evening was 712K3. My partner is Officer Michael MARTINEZ #7591.

My partner and I were in the San Ysidro area on another call we had just finishing up and we heard the radio call come out about a disturbance involving a weapon. We were at the Motel 6 on Calle Primera. We started driving in the direction of the weapons call.

As we were driving, we heard some updates that Border Patrol had agents at the scene and a guy was waving a knife around. That was actually the radio call. There was a guy walking in the street and approaching cars and waving a knife around. They didn't say if he was doing a 417 (brandishing a weapon in a threatening manner), like waving or brandishing the knife at them.

Sergeant ADAMS was on scene and he advised Border Patrol had the suspect at gunpoint. Sergeant ADAMS requested a police K9 to respond code-3. We then rolled code-3 to the scene.

We arrived at the intersection of Tocayo and Hollister. We arrived at the scene on Tocayo Avenue on the east side of the intersection. We saw Border Patrol had the guy at gunpoint and some of our (S.D.P.D.) officers were there. Officer D. CASTELLANOS was there and had the bean bag shotgun. My partner, Officer MARTINEZ, elected to draw lethal force and I elected to arm myself with non-lethal force. I didn't get the bean bag shotgun, I instead upholstered my Taser.

The guy was yelling something. I don't know remember what he was yelling. The Border Patrol Agents were yelling at him to "drop the knife." He was just saying, "No!" He was refused to put the knife down.

I could see the knife in his hand. I couldn't tell what kind of knife. It looked like a pocket knife or a kitchen knife. I don't remember which hand he was holding the knife in. He was holding the knife with blade down extending past his pinky finger (indicated holding knife for a downward stabbing motion). After about thirty seconds of him not complying with Border Patrol Agents commands and not putting down the knife, the bean bag shotgun was deployed. It was mostly ineffective. It appeared they were making contact but had little to no effect. The guy was on his feet the entire time. The first bean bag impact he might have possibly said, "ow." The next ones were bouncing off him. He turned around and took off running westbound across the intersection. It was like the impacts made him flinch and that was it.

Me and the other officers there began to run after him. The guy maybe went about forty to fifty feet down Tocayo Avenue from Hollister Street and then he stopped and came back towards us. I don't know what made him come back towards us. I don't think there were officers on that side yet.

Officers were still giving him commands to stop and put the knife down. I could not see if he still had the knife at that point. It was dark and there are no street lights there. The guy was still not complying with commands. I am not sure which officer it was, but the officer deployed his Taser at the suspect. I could not tell if the Taser probes made contact or if it was just ineffective. It had no effect on him and he continued to walk eastbound and walk fast back to the middle of the intersection. The Taser did not drop him and had no effect.

The guy was going east and went back to the middle of the intersection.

He turned back towards officers and made several thrusting or lunging movements with his body. I don't remember him doing it with the knife, but it was more with his upper body. He was still holding the knife in his hand, and he was thrusting towards officers. At that point I deployed my Taser. It was ineffective. I could not tell if the Taser probes attached to him.

Officer VERDUZCO was telling the suspect to stop and put the knife down. I was about fifteen to twenty feet from him when I deployed the Taser. About this time is when the officers fired their handguns at him. The suspect was doing like a pump faking, like in football. It was like he was going to come at us eventually, but he never really did. At that point the officers were close to him, like ten feet. I know my partner fired on the suspect. He was to my left. I don't know who else fired their handguns.

There were several shots. I don't know how many. The suspect fell down and officers continued to give him commands to let go of the knife. He would not let go of it. I think someone kicked the knife from his hand. The group of officers closed in on him and we got the knife away from him. He was handcuffed and rolled over to the recovery position and we waited for medics to enter the scene. The suspect was not talking at that time. I had no contact with the suspect. I wasn't talking to him.

I used my notebook and drew out a sketch of the intersection and indicated the streets Hollister and Tocayo. I asked Officer MUNIZ to indicate where he parked his patrol car at the intersection and where he first confronted the suspect. Officer MUNIZ drew a rectangle on the diagram to indicate where they parked their patrol vehicle. I labeled it as "712K." He put three dots on the north east corner of the intersection to indicate the location of Border Patrol Agents that had the suspects at gun point. I labeled the dots as "BP." Officer MUNIZ placed a letter "X" on the diagram for the suspect and used dash lines to indicate the suspect's path of travel. The suspect went westbound through the intersection on Tocayo Avenue and back eastbound Tocayo Avenue to the center of the intersection. Officer MUNIZ used dots to indicate the location of SDPD officers when they confronted the suspect. Officer MUNIZ identified himself as one of the officers in the intersection. I wrote his name "MUNIZ" on the location where he placed himself on the diagram when he deployed his Taser.

Investigator's Report

Witness: SDPD Officer Michael MUNIZ

Case #18-001350/ 18-001351

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Officer MUNIZ indicated he did not have an opportunity to review his BWC video.

At hours, 0430 hours, I concluded the interview with Officer MUNIZ and provided him with my business card. I informed him to contact me if he recalled any further details of the incident.

Reporting Detective D. BUROW I.D. 5268 Homicide Team: V
Approved by: A/Sgt. Leahy #5869 Date of this report: 05-30-2018 Time: 1600

5/28/18
0430
DB

HOLLISTER
←→

000

MURDER
+

SUSPECT

BP

TOCAYO
←→

712K

→

**SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT**

DATE (occurrence): May 27, 2018 (Sunday)

TIME (occurrence): 2252 Hours

LOCATION: 2300 Tocayo Avenue, San Diego, CA

SUBJECT: **OIS/Special Investigation - SDPD Case #18-602576**
Subject Officer #1: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Subject Officer #2: RODRIGUEZ, Samuel, ID, 6941, DOB: [REDACTED]
Subject Officer #3: CARTER TORRES, William, ID #7709, DOB: [REDACTED]
245(c) PC ADW Officer – SDPD Case #18-016572
Victim: MARTINEZ, Michael, ID #7591, DOB: [REDACTED]
Suspect: RIVERA, Raul H/M (42) DOB: 05-16-76
Event #18050043895

SUBJECT INTERVIEWED:

Border Patrol Agent **Francisco MARTINEZ**
ID# I344
1802 Saturn Boulevard
San Diego, CA 92154
[REDACTED]
3rd watch (2200-0800), Tues/Wed off

On May 28, 2018, at approximately 0003 hours, Sergeant Steve SHEBLOSKEI #5317 informed Homicide Team I that an officer involved shooting had just occurred. According to Sgt. SHEBLOSKEI, there were multiple law enforcement and civilian witnesses at the scene and Team V needed assistance. I was directed to respond to the scene, located at 2300 Tocayo Avenue, to assist Homicide Team V with witness statements. I arrived on scene at approximately 0100 hours.

At 0122 hours, A/Sergeant T. BRYAN gave the briefing of the incident. During the briefing we learned at approximately 2252 hours United States Border Patrol Agents were flagged down regarding a male armed with a knife in the intersection of Hollister and Tocayo Avenue. San Diego Police Communications received a call from a passing motorist at 2252 hours, regarding a man in the street armed with a knife and immediately dispatched patrol officers to the scene. San Diego Police Officers arrived on scene and found numerous Border Patrol Agents had Raul RIVERA at gunpoint in the intersection of Tocayo Avenue and Hollister Street. RIVERA refused the verbal commands to drop the knife and was threatening officers and agents with the knife. San Diego Police Officers deployed bean bag shotgun impact projectiles and Taser deployments at RIVERA in an attempt to subdue and apprehend him. The use of non-lethal force options were not successful and had no apparent affect. RIVERA continued to act in a threatening manner and charged towards Officer M. MARTINEZ while armed with a knife. RIVERA was shot by Officers M. MARTINEZ, W. CARTER TORRES, and S. RODRIGUEZ. RIVERA was hit by the gunfire and dropped the ground. Officers began examining RIVERA to render first aid. SDFD Medics #30 arrived on scene and RIVERA was ultimately pronounced deceased at 2322 hours.

Investigator's Report

Witness: Agent Francisco Martinez

Case #18-001350/ 18-001351

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During the briefing I learned there were at least 12 Border Patrol Agents present and none of them claimed to have fired their service weapon during this incident. I was also told these Agents were no longer at the scene and had returned to their station located at 1802 Saturn Boulevard. The briefing ended at 0149 hours.

At 0200 hours, I cleared the scene along with the rest of Homicide Team 1 and responded to 1802 Saturn Boulevard to conduct interviews with the Border Patrol Agents. I arrived at the Border Patrol Station at approximately 0205 hours.

Each Agent we spoke to had a representative present during their interview with us, with the exclusion of Supervising Agent PINO, Agent's LUNA, PAIR, PORTER and ROLLINS who did not have a representative. The representative present during these interviews was Agent Christopher ROLLINS.

Detective J. ZALDIVAR #5516 and I interviewed the following Border Patrol Agents who were present on scene during the shooting:

- Eugene O'Neill
- David Paniagua
- Francisco Garcia Jr
- Alex Parafox
- Leslie Pino (Supervisor)
- Julian Hernandez
- Jacob Felix
- Leo Shook
- Francisco Martinez

Detective's M. WEAVER #6153 and A. TAYLOR #6399 interviewed the following Border Patrol Agents who were also present during the shooting in a separate conference room:

- Hector Luna
- Scott Pair
- Brandon Porter
- Christopher Rollins (Dispatcher)

Each interview was audio recorded for accuracy. On May 28, 2018 at 0450 hours, Detective ZALDIVAR and I interviewed Agent Francisco MARTINEZ. Also present during this interview was Agent ROLLINS (representative).

STATEMENT OF BORDER PATROL AGENT FRANCISCO MARTINEZ:

It was right before 11 (2300 Hours) when I heard the call on the radio about a subject with a knife. The transmission wasn't too clear. It was kind of broken up. I am plain clothes, wearing a grey long sleeve shirt and black pants, badge, radio and gun. My duty weapon is [REDACTED]. I drive a [REDACTED]. It is unmarked with lights.

I was responding from just north of the station. There was another unit in front of me. It was Agent Julian Hernandez. I was southbound on Hollister when I arrived. The subject was already between the Tahoe and white Ranger. There was other Agents on scene. There were a lot of guys telling him to drop the knife. I did see the knife in his right hand. I saw the blade that was 3 ½"-4", black and serrated.

Everyone was telling him to drop the knife, which he did not. He started walking towards us. We stayed back. I started asking if anyone had a Taser. A second later as PD or Sheriff came from behind us with a bean bag shotgun. I heard the racking of the shotgun. I saw the subject get hit with the (bean bag). It did not seem to affect him at all. He did not go down at all. I heard about 10 shots from the shot gun. Both Officers shot their bean bag shot gun at about the same time. The subject kept saying, "Just shoot me". He started running 100 yards on Tocayo. I know it was me, Agent Hernandez and Agent Shook. Everyone kept yelling at him to, "Drop it, and drop it". The subject kept yelling, "Just shoot me." PD deployed two Tasers. I saw the Tasers hit him and there was no effect. He just pulled them out.

The only thing he kept saying was, "Just shoot me, just kill me, just shoot me." He was moving towards the intersection when he was tased. Everyone was telling him to "drop it" but he would not comply. There was about 7 PD officers north of him. There was for sure myself and Agent Shook on the west side of the intersection. I was probably 10-15 yards from the PD officers. The guy started looking around and started advancing on the officers. He got pretty close, about under 7 yards from the officers. The officers opened fire. I think I heard close to 10 shots. After the shots they were ordering him to drop the knife. The officers moved in and handcuffed him. I had my weapon out, but I never fired. I did not deploy non-lethal.

The subject was white, 36-38 years old, 5'8", 210-220 pounds, Army PT shirt (silver with black "A"), blue pants.

There did not appear to be anyone with him.

The interview ended at 0502 hours.

Reporting Detective Tracey Barr I.D. 5533 Homicide Team: Team I
Approved by: Sgt. Shobleski 35317 (6-1-2018) Date of this report: 06/01/2018 Time: 0936 Hours

19-38

COMMUNITY REVIEW BOARD

TEAM # 1

CASE # 2018-0319-OIS

Date of Incident: May 27, 2018
Time of Incident: 2252 Hours
Location of Incident: 2300 Tocayo Avenue, San Diego, CA 92154
Date of Complaint: May 27, 2018
Investigator: Sergeant Greg Minter
Date Assigned to CRB: January 3, 2019
Date Review Complete: March 11, 2019
Date CRB Presentation: March 26, 2019

**CONFIDENTIAL: FOR EXCLUSIVE USE OF CITIZENS REVIEW BOARD AND SDPD
IN ACCORDANCE WITH RESTRICTIONS ON CONFIDENTIAL PERSONNEL RECORDS
PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 832.5, 832.7, and 832.8**

OFFICER INVOLVED: MARTINEZ, Michael A., PO-I, ID #7591 - BWC
Date of Hire: 09-01-2016 (2 years)
S.D.P.D., Southern Division – 2nd watch
[REDACTED]

WEAPON USED: 9mm Glock, model 17 Gen 4, SN #BAGP497
Department issued firearm

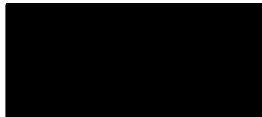
OFFICER INVOLVED: CARTER-TORRES, William, PO-I, ID #7709 - BWC
Date of Hire: 08-24-2017 (1 year)
S.D.P.D., Northern Division – 3rd watch
[REDACTED]

WEAPON USED: 9mm Glock, model 17 Gen 4, SN #BAGP319
Department issued firearm

OFFICER INVOLVED: RODRIGUEZ, Samuel, PO-II, ID #6941 - BWC
Date of Hire: 04-27-2012 (6 years)
S.D.P.D., Southern Division – 1st watch
[REDACTED]

WEAPON USED: 9mm Glock, model 17 Gen 4, SN #XFZ969
Personal firearm

SUSPECT:



WEAPON USED:

Knife

WITNESS OFFICERS:

ADAMS, Kristen B., PO-II, ID #5384 - BWC

Date of Hire: 08-25-97

S.D.P.D., Southern Division – 1st Watch



CASTELLANOS, Daniel J., PO-II, ID #6569 - BWC

Date of Hire: 02-19-15

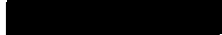
S.D.P.D., Southern Division – 2nd Watch



MUNIZ, Michael S., PO-II, ID #7483

Date of Hire: 10-29-15

S.D.P.D., Southern Division – 2nd Watch



OTHER WITNESSES:

O'NEILL, Eugene, ID #1216

Border Patrol Agent



Allegation	Description	Subject Officer(s)	Witness(es)	IA Finding	Team Finding
1-OIS	SDPD officers were dispatched to a scene where a male, [REDACTED] was armed with a knife. Officer deployed two less-than-lethal force options to subdue the male. The force options were not successful and had no apparent affect. [REDACTED] continued to act in a threatening manner and charged Officer Martinez with the knife. Officers fired their service weapons and struck [REDACTED]	MARTINEZ RODREQUEZ CARTER	O'NIELL CASTELLANOS ADAMS MUNIZ	WP	A
Investigator's Notes:					

CASE NOTES:

Witness statements were obtained by Homicide. Nine civilian witnesses were interviewed but none had a close-up view of the shooting. Five SDPD Officers and 13 Border Patrol Officers were also interviewed. All of their accounts were consistent; only those with the most relevant information (including their BWC video) are mentioned in the team's report.

<u>Check = Reviewed</u>	<u>Resource Item</u>
	Complaint Documents
	Medical Records of Complainant
	Video from Complainant
	Audio Recording from Complainant
	Photographs from Complainant
	Additional Materials provided by Complainant
X	IA Investigation Report
X	Police Officer Reports
X	Police Officer Body Work Camera (BWC) video
X	SDPD HR Profile Sheet(s)
	SDPD Sally Port video
	SD Sheriff Jail Intake video

	SD Sheriff Property Form
	SD Sheriff Medical Intake Questionnaire
	Interview Audio of Complainant
X	Interview Audio of Witnesses
X	Interview Audio of Witness Officers
X	Interview Audio of Subject Officers
X	Interview Audio of Others Contacted
	SDPD Policy & Procedures
X	Other: Homicide Investigation Report
X	Other: District Attorney's Letter
X	Other: ABLE Video
X	Other: Medical Examiner's Report
X	Other: SDPD Communications Printout

INCIDENT SUMMARY:

On May 27, 2018 at 10:52 p.m. U.S. Border Patrol agents were flagged down regarding a man with a knife, acting in a threatening manner, who was standing in the middle of the street at [REDACTED] Tocayo Avenue. At the same time, a passing motorist reported the same thing to SDPD Communications. Several SDPD units responded and found numerous Border Patrol agents holding [REDACTED] at gunpoint in the intersection of Tocayo Avenue and Hollister Street. [REDACTED] refused multiple (several dozen) commands to drop the knife and brandished the knife in a threatening manner toward officers. The scene was chaotic as [REDACTED] ran throughout the intersection, at times charging and retreating from the officers on scene. Officers Joel MENDOZA and Daniel CASTELLANOS deployed bean bag projectiles at [REDACTED] (a total of ten rounds) and Officer Michael MARTINEZ, Officer William CARTER-TORRES (trainee) and his Field Training Officer Samuel RODRIGUEZ deployed Taser guns at him. Officer MARTINEZ' Taser missed [REDACTED] but the other two successfully struck him. Neither the Taser nor the bean bags had an apparent effect in subduing [REDACTED]. When [REDACTED] started to charge toward Officer MARTINEZ holding an open folding knife with an approximately 5 inch blade out toward him, Officers MARTINEZ, CARTER-TORRES and RODRIGUEZ fired their weapons. This is clearly visible at 06:02:45 Zulu Time in the BWC of Officers Kristin ADAMS, William CARTER-TORRES, Daniel CASTELLANOS, Michael MARTINEZ, Michael MUNIZ, and Samuel RODRIGUEZ (the BWC video of Officers CASTELLANOS and RODRIGUEZ have the best view). A still frame from the ABLE video shows that [REDACTED] was approximately the same distance away as the length of a nearby SDPD SUV when the officers opened fire. In their interviews the officers estimated Mr. MARTINEZ's distance as between 10 and 15 feet when they opened fire. The Medical Examiner's report indicates that [REDACTED] had [REDACTED] gunshot wounds [REDACTED]. [REDACTED] fell to the ground, still holding firmly to the knife. After an officer was able to kick the knife from his hand, officers began to administer medical aid to [REDACTED] until paramedics arrived. [REDACTED] was pronounced dead at 11:22 p.m.

Note: There are indications that this may have been an instance of "suicide by cop." The night before the shooting, SDPD responded to a "check the welfare/jumper" call at a freeway overpass on Palm Avenue. When officers arrived [REDACTED] did not appear suicidal or meet the criteria for a 5150 detention, and he was escorted off the overpass and released.

In his statement to IA, Border Patrol Agent Eugene O'NEILL, the first law enforcement officer on the scene, described [REDACTED] as clearly distraught and appearing to be under the influence of drugs. [REDACTED] told Agent O'NEILL that he would have to kill him to get him to drop the knife and repeatedly said "kill me, kill me, kill me!"

DISCUSSION AND CONCLUSIONS:

San Diego Police Department Procedure 1.05, Firearms Procedures, Section III, B, 2, (06/20/17), states in part:

- B. No officer shall discharge a firearm in the performance of duty except:
 - 2. When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person.

San Diego Police Department Procedure 1.04, Use of Force, Section III (03/08/18), states in part:

The San Diego Police Department recognizes and respects the value of human life, having this as its highest priority. It is the policy and practice of the Department to train its personnel in the use of the safest, most humane restraint procedures and force options currently known. The Department seeks to demonstrate integrity, and make decisions that are fair, respectful, lawful, and based on good judgment.

In the performance of their duties, officers may encounter situations where the use of force is reasonable in order to effect a detention or arrest, to overcome resistance, or to protect themselves or others. Force, as authorized by Penal Code section 835a, and as set forth in this policy, may be used in those situations. The decision to use deadly force in response to an imminent threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make.

Only force that is reasonable to overcome resistance may be used to effect a detention or an arrest, or take a mentally ill or emotionally disturbed person into protective custody. The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), acknowledged that the "reasonableness" test in analyzing the use of force is "not capable of precise definition or mechanical application." For that reason, in determining whether an officer's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the officer at the time force was used. All of the surrounding circumstances will be considered, including whether the subject posed an imminent threat to the safety of the officer or others, the severity of the crime at issue, and whether the suspect actively resisted arrest or attempted to flee.

Penal Code section 835a authorizes an officer to use reasonable force to make a lawful arrest, prevent an escape, or to overcome resistance. Officers are not

required to retreat or desist from their efforts by reason of resistance or threatened resistance of the person being arrested.

The evaluation of an officer's use of force will be undertaken from the perspective of a reasonable officer on the scene, not through the 20/20 vision of hindsight. The central inquiry in every use of force case is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.

San Diego Police Department Procedure 1.04, Use of Force, Section IV (03/08/18), states in part:

- E. Deadly Force - force that creates a substantial risk of causing death or serious bodily injury.

The District Attorney Summer Stephan's letter, dated December 13, 2018 summarizing the results of the review by the DA's office of this case concludes:

In this case, law enforcement officers were confronted by an agitated subject who was armed with a knife and was under the influence of narcotics. [REDACTED] urged officers to shoot him as he advanced toward them. The officers' attempts of verbal de-escalation and use of less lethal methods of subduing [REDACTED] were unsuccessful. [REDACTED] charged at Officer Martinez in such a threatening manner Martinez believed his life was in danger. Officers Carter-Torres and Rodriguez witnessed [REDACTED] threaten Martinez with a knife and also reasonably feared for the safety of Martinez. Martinez fired at [REDACTED] in his own defense and Carter-Torres and Rodriguez shot [REDACTED] to prevent [REDACTED] from injuring or killing Martinez. Based on these circumstances, the officers bear no criminal liability for their actions.

IA determined that Officers MARTINEZ and CARTER-TORRES used Department-issued Glock weapons. Officer RODRIQUEZ used his personal Glock weapon which he was authorized to carry as his duty weapon. Each officer was qualified for his weapon. All three Glock pistols operated normally when they were test fired. The Firearms Unit laboratory reported that all ammunition was Department-issue duty ammunition.

The IA investigation report concluded that: "Based on Officer Martinez, Officer Carter-Torres and Officer Rodriguez's statements, San Diego Police Department procedures, the investigation conducted by Homicide Team V and my administrative investigation, Officer Martinez, Officer Carter-Torres and Officer Rodriguez used their firearms to stop an imminent threat of great bodily injury or death to themselves and other officers. The decision of Officer Martinez, Officer Carter-Torres and Officer Rodriguez to use deadly force was reasonable, legal and **WITHIN** Department Policy and Procedure." Team 1 **AGREES**.

NO CHANGES MADE DURING CASE REVIEW

CRB Team 1 Endorsement	Signature [Redacted]	Signature [Redacted]	Signature [Redacted]
	Date 3/26/2018	Date 26 MARCH 2019	Date 3/26/19
	[Redacted]	[Redacted]	[Redacted]
	Signature [Redacted]		
	Date 3/26/2019		
	[Redacted]		

TEAM CONCERNS AND ISSUES: None